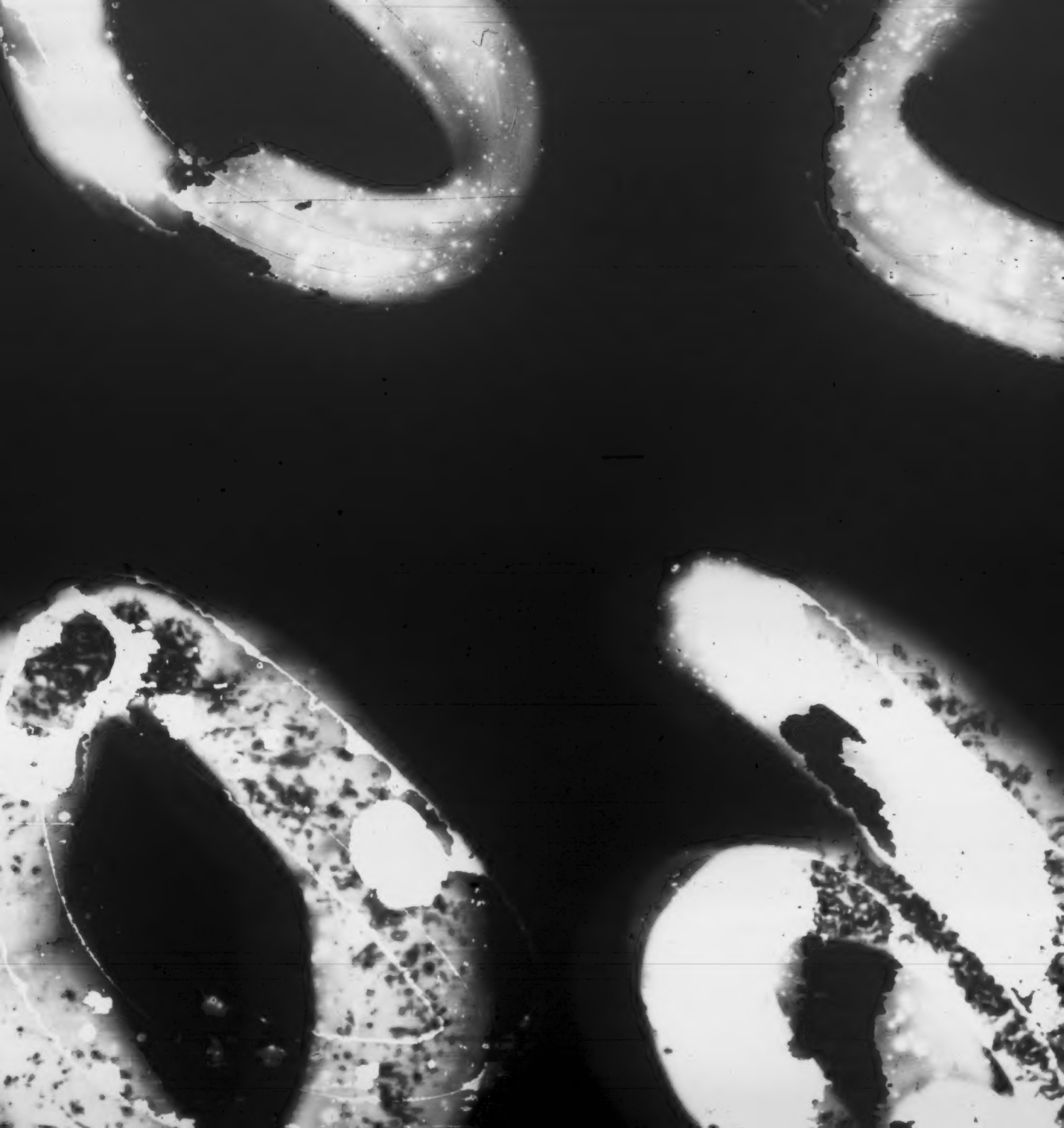

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 60

CHOCTAW D516 - D840

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1963

D516

Mary Folsom

Record transferred to
Choctaw card #2307

CHOCTAW

Florence Lowry.

Transferred to Section
38351, February 21 1905.

CHOCTAW D 518

Mariah Goforth

Transferred to Choctaw
#4298 FEB 1905

Choctaw D-519

Mary F. Seifried

D-519

Mary F. Seizfried

REFUSED JUN 28 1905

DECISION RENDERED. JUN 28 1905

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 1905

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. JUN 1905

COPY OF DECISION FORWARDED APPLICANT JUN 1905

RECORD FORWARDED DEPARTMENT.

JUN 28 1905

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 19 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 31 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

AUG 31 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

AUG 31 1905

June 25. 1906. Motion for rehearing filed
August 23. 1906. Motion for rehearing
forwarded department
Feb 6/7 Motion for rehearing denied by
department.

NOTICE OF DEPARTMENTAL ACTION MAILED PARTIES HEREIN. Feb 19 1907

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-519.

Muskogee, Indian Territory, March 4, 1902.

Mary F. Seifried,

Wayne, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

In the matter of the application of Mary F. Seifried for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-519.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Mary F. Seifried for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

---:---

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 14 day of April, 1902.

Clara Mitchell Wood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Pauls Valley, I.T. October 22, 1902.

Choctaw D-519.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of William Seifried.

William Seifried first duly sworn testified:

Examination by the Commission

Q What is your name? A William Seifried.
Q How old are you? A Twenty-five.
Q What is your post office address? A Purcell.
Q How long have you lived in the Chickasaw Nation? A Seventeen years.
Q Continuously? A Yes, sir.
Q You are a Choctaw by blood? A Yes, sir.
Q You are married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What is her name? A Mary P.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No, sir.
Q When and where were you married to her? A At Wayne.
Q Chickasaw Nation? A Yes, sir.
Q When? A The 22nd day of October 999.
Q Where did she live when you married her? A At Wayne.
Q Chickasaw Nation? A Yes, sir.
Q How long had she lived in the Chickasaw Nation when you married her? A About eight years.
Q Married her under a United States license? A Yes, sir.
Q You never were married to her under a Chickasaw license? A No, sir
Q She is a white woman and an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q She claims her rights as an intermarried citizen of the Choctaw Nation by reason of her marriage to you? A Yes, sir.
Q Have you and this woman been living together as husband and wife continuously as husband and wife since '99? A Yes, sir.
Q In the Chickasaw Nation? A Yes, sir.
Q There has been no separation or divorce? A No, sir.
Q You are now both bonafide residents of the Chickasaw Nation? A Yes, sir.
Q Living together as husband and wife? A Yes, sir.

C. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

C. Rosenwinkel

Subscribed and sworn to before me this 20 day of November 1902.

Charles Hagaman

Notary Public.

(COPY)

No.192.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
SOUTHERN DISTRICT.

To Any Person Authorized by Law to Solemnize Marriage, Greeting: YOU ARE HEREBY COMMANDED, To solemnize the Rite and publish the Banns of Matrimony between Mr. William F. Seifried, of Wayne in the Indian Territory, aged twenty-two years; and Miss Mary F. Nix, of Wayne, in the Indian Territory, aged Eighteen years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 21st day of October A. D. 1899.

C. M. Campbell, Clerk of the United States Court.

(SEAL)

By F. F. Green, Deputy Clerk.

----------oOo----------

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
SOUTHERN DISTRICT.

ss.

I, C. H. Carleton, an Ordained Minister do hereby certify, that on the 22 day of Oct. A. D. 1899, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 22 day of Oct. A. D. 1899.

My credentials are recorded in the office of the clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A Page 88.

C. H. Carleton,

an Ordained Minister.

Endorsed on back as follows:

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY
SOUTHERN DISTRICT.

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of Mr. William F. Seifried and Miss Mary E. Nix, were filed in my office in said Territory and District the 27 day of Oct. A. D. 1899, and duly recorded in Book D of Marriage Record, page 340.

Witness my hand and seal of said Court at Ardmore, this 27 day of Oct. A. D. 1899.

C. M. Campbell, Clerk.

F.I.L.E.D.
Oct 27. 1899 AM
C. M. Campbell, Clerk.

C O P Y .

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of the Choctaw Nation, Choctaw Fielf No. D-519.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

(Signed) Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

Endorsed:
Choctaw D-519
In the matter of the enrollment of Mary F. Seifried as an intermarried citizen of the Choctaw Nation.

PROTEST OF
Choctaw and Chickasaw Attorneys.

Department of the Interior
Commission to the Five Civilized Tribes

Filed Feb. 6, 1904
Tams Bixby, Chairman

7-D-519.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of the Choctaw Nation.

- - : D E C I S I O N : - -

The applicant herein, Mary F. Seifried, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage, under a United States license, on October 22, 1899, to William Seifried who, it is claimed, is a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that the said William Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing as No. 4558 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, and approved by the Secretary of the Interior April 13, 1903.

It further appears from the record herein that at the time of said marriage, both the applicant and said William Seifried were residents of the Chickasaw Nation.

It does not appear from the record herein, nor from the records in the possession of the Commission, that the applicant has ever been enrolled by the tribal authorities of the Choctaw or Chickasaw Nations; neither does it appear that she has ever been admitted to citizenship in either of said nations by the legally constituted authorities thereof; neither does it appear that she has ever been admitted to citizenship by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It further appears from the records herein, and from the records of the Commission, that the applicant has no right to enrollment as a citizen of either the Choctaw or Chickasaw nations, except such as she may have acquired through her marriage to said William Seifried; that the name of said William Seifried does not appear upon any of the tribal rolls of the Choctaw Nation, but that he is, as above set forth, a recognized and enrolled citizen by blood of the Chickasaw Nation.

It further appears from the record herein that the applicant was never married to the said William Seifried in accordance with the laws, customs and usages of the Chickasaw Nation.

It is therefore the opinion of this Commission that, following the ruling of the Department in the case of Emma Seifried (I.T.D.1274, 5574-1906), Mary F. Seifried is not entitled to enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations, and that her application for enrollment as a citizen by intermarriage should be

denied in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 28 1905

7-D-519.

Muskogee, Indian Territory, June 28, 1906.

Mary F. Seifried,

Purcell, Indian Territory.

COPY

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 28, 1906, denying your application for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby

Chairman.

Registered.
Enc. 7-D-519.

7-D-519.

Muskogee, Indian Territory, June 28, 1906.

COPY.

Dorset Carter,

Attorney at Law,

Purcell, Indian Territory:

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 28, 1906, denying the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of the Choctaw Nation or the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby

Chairman.

Registered.
Enc.7-D-519.

7-D-619.

Muskogee, Indian Territory, June 28, 1905.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 28, 1905, denying the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

SIGNED

Chairman.

Enc. 7-D-619.

Muskogee, Indian Territory, June 28, 1905.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of either the Choctaw, or Chickasaw Nation, including the decision of the Commission, dated June 28, 1905, denying said application.

Respectfully,

SIGNED Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. 7-D-619.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

C.R.
LLB

D.C. 40492-1905.
I.T.D. 10206-1905.

August 19, 1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw nations, including the decision of the Commission dated June 28, 1905, adverse to the applicant.

August 10, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and conforming to the decision of the Department in the case of Emma Seifried of May 15, 1905, the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, denying the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw nations is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDAIN AFFAIRS,

WASHINGTON.. August 10, 1905.

Land.
50895-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Mary F. Seifried.

June 28, 1905, the Commission decided adversely to the applicant. The record shows that the applicant claims enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage under a United States license on October 22, 1899, to William Seifried, who, it is claimed, is a citizen by blood of the Choctaw Nation.

It further appears that William Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing at No. 4558 on the lists of citizens by blood of the Chickasaw Nation approved by the Department April 13, 1903. It further appears that at the time of the said marriage the applicant and William Seifried were both residents of the Chickasaw Nation.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw or Chickasaw Nations or by any United States tribunal.

It further appears that the applicant has no right to enrollment as a citizen of either the Choctaw or Chickasaw Nations except such as she may have acquired through her marriage to William Seifried; that the name of William Seifried does not appear upon any of the tribal rolls of the Choctaw Nation, but that he is a recognized and enrolled citizen by blood of the Chickasaw Nation.

It further appears that the applicant was never married to William Seifried in accordance with the laws, customs and usages of the Chickasaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C F. Larrabee
Acting Commissioner.

M.M.M.
W.

7-D-519

Muskogee, Indian Territory, August 31, 1905.

Mary F. Seifried,

Purcell, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of August 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, denying your application for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner.

7-D-519

Muskogee, Indian Territory, August 28, 1905.

Dorset Carter,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of August 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner.

7-D-519

Muskogee, Indian Territory, August 31, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of August 19, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

7-D-819

Muskogee, Indian Territory, August 23, 1906.

James A. Cotner,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 23, 1906, enclosing motion to review the application of Mary E. Leifried for enrollment as a citizen by intermarriage of the Choctaw Nation, and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

On June 28, 1905, the Commission to the Five Civilized Tribes rendered its decision denying the application of Mary F. Seifried for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation, and on August 19, 1905, (I.T.D.10204-1905), this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith motion filed June 25, 1906, by James A. Cotner of Ardmore, Indian Territory, attorney for applicant, for a review of the decision in this case.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

7-B-519

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Mary F. Seifried as a citizen by intermarriage of the Choctaw Nation:

MOTION TO REVIEW.

Comes now Mary F. Seifried, applicant herein, by counsel, James A. Cotner, and respectfully prays the Honorable Secretary of the Interior to review said cause and, as grounds thereof, alleges:

That she was duly and legally married on October 22, 1899, to one William F. Seifried who was a citizen by blood of the Choctaw Nation: that she made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation at Atoka, Indian Territory, on November 13, 1899; that she was denied citizenship by the Commission to the Five Civilized Tribes for the reason that she was a resident of the Chickasaw Nation at the time of her said marriage and had married a Choctaw Indian who was on said date a resident of the Chickasaw Nation and, for the further reason, that under the former rulings of the Commission, which were overruled by the Secretary of the Interior, it was held that in order for such marriage to confer rights of citizenship, the contracting parties would have to marry in accordance with the laws of the Chickasaw Nation; that the said William F. Seifried, who was listed for enrollment on Choctaw Field Card No. 4955, was transferred to Chickasaw Field Card No. 1640, the said William F. Seifried being entitled to enrollment in either the Choctaw or Chickasaw nation.

Said applicant contends that she is entitled to enrollment for the reason that the said William F. Seifried was, up until he was peremptorily transferred from the Choctaw roll to the Chickasaw roll, a duly recognized citizen by blood of the Choctaw Nation; that he was such on the date of their marriage and that she is entitled

to enrollment as a citizen by intermarriage on account of her legal marriage to the said William F. Seifried.

WHEREFORE, said applicant respectfully prays the Honorable Secretary of the Interior to review said application and to remand the same to the Commissioner to the Five Civilized Tribes with instructions to enroll her as a citizen by intermarriage of the Cherokee Nation.

James A. Otter
Atty. for Applicant.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

FILED

JUN 25 1906

Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C. 7794-1907.
I.T.D. 10206-1905.
19422-1906.

February 6, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In conformity with the opinions of the Assistant Attorney-General for this Department of May 15, 1905 (I.T.D. 5574), and September 1, 1905 (I.T.D. 11174), in the matter of the application of Emma Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw Nation, the motion for review of departmental decision of August 19, 1905 (I.T.D. 10206), denying the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw Nation, is hereby denied. The motion was filed in your office on June 25, 1906, and was transmitted with your letter of August 23, 1906.

You will advise applicant and her attorney of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

5 inc. to Ind. Of.

7-B-519

Muskogee, Indian Territory, February 19, 1907.

Mary F. Seifried,

Purcell, Indian Territory.

Dear Madam:

You are hereby notified that on February 6, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of your enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner.

7-D-519

Muskogee, Indian Territory, February 19, 1907.

Dorset Carter,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that on February 6, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the enrollment of Mary F. Seifired as a citizen by intermarriage of either the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

7-D-519

Muskogee, Indian Territory, February 19, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on February 6, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the enrollment of Mary F. Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 18, 1900.

Mary F. Seifreid,

Wayne, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the insufficiency of your marriage according to the Choctaw Laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

T-D-619

Muskogee, Indian Territory, October 4, 1906

William Seifried,

Wayne, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 29th ultimo in which you request to be informed if it will be necessary for your wife to appear at Atoka on the 3rd of December next in the matter of the protest filed by the representatives of the Choctaw Nation as to her enrollment as a citizen by intermarriage of that Nation.

The Commission wrote you on September 18th, stating the objection raised by the Choctaw Nation as to the final enrollment of your wife and in regard to her appearance at Atoka, Indian Territory in December next.

Yours truly,

Acting Chairman.

T-B-819

Muskogee, Indian Territory, October 10, 1900.

William Seifried,

Wayne, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 3rd instant in regard to your wife's appearance before the Commission at Atoka and in which you state that you have not received the letter of the Commission's letter of September 18th and requesting a copy of the same. The Commission's letter of September 18th addressed to your wife, Mary F. Seufreid, read as follows:

"Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the insufficiency of your marriage according to the Choctaw laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901 and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you."

Yours truly,

7-D-819

Acting Chairman.

Muscogee, Indian Territory,

August 18th, 1900.

Mary F. Seifreid,

Wayne, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session [illegible], Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-519.

Muskogee, Indian Territory, January 17, 1901.

William F. Seifried,

Wayne, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of your wife. You do not state in your letter the name of your wife but the Commission finds from its records that a Mary F. Seifried, 18 years of age, and the wife of William Seifried, made application for enrollment as an intermarried citizen of the Choctaw Nation at Atoka, Indian Territory, November 13th, 1899, and offered in evidence of such marriage, the license issued by the Clerk of the United States Court for the Southern District of the Indian Territory, October 21st, 1899, to William F. Seifried to marry Mary F. Nix. Also the certificate of C. H. Carlton to the marriage of the said parties on the 22nd day of October, 1899.

On August the 18th, 1900, your wife was notified that objection had been filed with this Commission as to her enrollment as an intermarried citizen of the Choctaw Nation by its legal representatives, Mosely Mansfield, Kennedy & Cornish, and that at Atoka, Indian Territory, beginning Dec ember 3rd, 1900, the Commission would be in session for the purpose of hearing additional testimony in this case. Your wife was further notified on September the 18th, 1900, that the objection made to her enrollment was for the

Legislature of September 25th, 1875, which provides as follows:

"No marriage between a citizen of the United States and a member of the Chickasaw tribe or Nation of Indians shall take place or be solemnized within the Chickasaw Nation unless a license shall have been first obtained from the Judge of the County Court of the County where at least one of the parties to such marriage shall reside."

You state in your letter that at the time you married your wife that Choctaw licenses were not being issued and further that you do not consider it necessary for you to marry under a Choctaw license as you are an Indian and could marry a white woman under any license.

The objection that is being made to the enrollment of your wife by the attorneys of the Choctaw and Chickasaw Nations is that she, being a resident of the Chickasaw Nation at the time of her marriage and having married a Choctaw Indian who was at that time a resident of the Chickasaw Nation, in order for such marriage to confer rights of citizenship the contracting parties would have to marry in accordance with the laws of the Chickasaw Nation and your attention is invited to Section 2 of an Act of the Chickasaw Legislature of September 25th, 1875, which provides as follows:

"No marriage between a citizen of the United States and a member of the Chickasaw tribe or Nation of Indians shall take place or be solemnized within the Chickasaw Nation unless a license shall have been first obtained from the Judge of the County Court of the County where at least one of the parties to such marriage shall reside."

The contention of the Choctaw and Chickasaw Nations is that you are your wife at the time of the contracting of your marriage, being residents of the Chickasaw Nation, you were amenable to the laws of that Nation.

The Commission has not up to this time passed upon this question and has not determined as to the rights of your wife to enrollment but will do so some time in the near future and when such

W 1/2 6

A decision is rendered copy of the same will be mailed to your [illegible], making [illegible] there in the [illegible] for any [illegible] that may be taken by the Commission in the matter of her application.

Yours truly,

Acting Chairman.

F-D-S19

Muskogee, Indian Territory, April 20, 1901.

Mr. William F. Seifried,

Wayne, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of the application for enrollment, as a citizen of the Choctaw Nation, of Nula Beatrice Seifried, the infant daughter of William F. and Mary Florence Seifried, born April 11, 1901, and the same, being in proper form, has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

The Commission notes that in the application for the enrollment of this child, it is stated that the name of the father is William F. Seifried and this same statement relative to your name appears in the affidavit of the mother. You were listed for enrollment by the Commission November 18, 1899, and you gave your name at that time as William Seifried. You are requested to inform the Commission as to the reason for the difference in spelling of your name. Your prompt attention to this matter is earnestly desired.

Yours truly,

Acting Chairman.

T-2-519
T-4923

W.O.B.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-519.

Muskogee, Indian Territory, March 4, 1902.

Mary F. Seifried,

Wayne, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Checked 3 116

Muskogee, Indian Territory, March 22, 1903.

D. Raffaider,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that there has been received at your office a registered letter addressed to Mary E. Seifried, and that you know of no woman in your neighborhood or who receives her mail at your postoffice by that name but that you know of a Minnie Seifried, who is the guardian and looks after the affairs of the other children of William E. Seifried and his wife, both of whom are now deceased. You desire to be advised to whom you shall deliver the letter addressed to Mary E. Seifried.

Replying to your letter you are advised that the letter addressed to Mary E. Seifried was intended for the wife of William Seifried, a brother of Minnie Seifried and who was according to our latest advices a resident of Wayne, Indian Territory. If these persons have recently removed from your neighborhood, it is possible that Minnie Seifried can give you the present address of her brother and you are requested to forward the letter to his wife at their present postoffice address.

Yours truly,

Choctaw # 519

Muskogee, Indian Territory, April 23, 1902.

W. F. Seifried ,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that about twenty days ago, there was a letter from the Commission registered to your wife, Mary F. Seifried at Wayne, Indian Territory; that your present post-office address is Purcell, Indian Territory, and that the postmaster at Wayne has advised you that the letter addressed to Mrs. Mary F. Seifried had been by him returned to this office.

You now request that the same be forwarded to you at Purcell, Indian Territory.

Replying to your letter you are advised that on March 4, 1902, the Commission addressed to Mary F. Seifried at Wayne, Indian Territory, a communication advising her that the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration by the Commission at its office at Muskogee, Indian Territory, on April 12, 1902 . This letter was by the postmaster at Wayne, Indian Territory, returned to this office on March 28, 1902,

W P S S

with the information that he was unable to deliver the same to the party to whom it was addressed.

You are further advised that at the office of the Commission at Muskogee, Indian Territory, on April 12, 1902, the matter of the application of Mary F. Seifried for enrollment as a citizen by intermarriage of the Choctaw Nation was called for final consideration by the Commission and no appearance was made by or on behalf of the applicant or by the legal representatives of the Choctaw and Chickasaw Nations.

The Commission therefore, considering this case closed, will at as early a date as practicable, render its decision relative to the rights of Mary F. Seifried to enrollment as a citizen by intermarriage of the Choctaw Nation.

In the event that such decision is unfavorable to your wife, she will be duly advised thereof and notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Chickasaw 1640
Choctaw D619

Muskogee, Indian Territory, May 6, 1903.

William F. Seifried,
Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 27, asking the status of the enrollment of yourself, your wife, Mary F. Seifried and your daughter, Eula Beatrice Seifried.

In reply to your letter you are advised that it appears from our records that William F. Seifried has been enrolled by this Commission as a citizen by blood of the Chickasaw Nation and on April 13, 1903, his enrollment was approved by the Secretary of the Interior. His child, Eula Beatrice Seifried has been listed for enrollment as a citizen by blood of the Chickasaw Nation but her name has not yet been placed upon the schedule of citizens by blood of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior, but will be placed upon the next schedule of citizens by blood of the Chickasaw Nations which is forwarded to the Secretary of the Interior.

It further appears from our records that Mary F. Seifried has been listed among the doubtful claimants to enrollment in the Chickasaw Nation and her final right to such enrollment has not yet been determined. As soon as a decision is reached in this case

[redacted]

[redacted]

[redacted]

[redacted]

Choctaw D 519

Muskogee, Indian Territory, February 10, 1904.

Mary F. Seifried,

Purcell, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 819

Muskogee, Indian Territory, May 7, 1904.

William F. Seifried,
Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30, asking if the enrollment of Mary F. Seifried has been approved as you desire to secure a good allotment for her and good land is getting scarce in your county.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Mary F. Seifried for enrollment as an intermarried citizen of the Chickasaw Nation, but as soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-D-519

Muskogee, Indian Territory, October 19, 1904.

William F. Seifried,

Purcell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 14th instant, requesting to be advised relative to the status of the application for enrollment of your wife Mary F. Seifried as an intermarried citizen, requesting to be also advised in event of her enrollment, if she will be placed upon the Choctaw or the Chickasaw roll.

You are informed that the Commission has not up to this time rendered any decision in the matter of the application for the enrollment of your wife Mary F. Seifried as an intermarried citizen. As soon as a decision is rendered in her case she will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-D-519

Muskogee, Indian Territory, January 31, 1905.

Dorset Carter,

Attorney at Law.

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 25, 1905, with reference to the application of Mary F. Seifried, wife of William F. Seifried, for enrollment as an intermarried citizen. You state that the records of this office show that Mary F. Seifried was a United States citizen and was married to William F. Seifried, a Chickasaw Indian, and you request that a date be fixed for the hearing of additional evidence in this matter in order that you may produce witnesses to show that at the time of this marriage William F. Seifried was carried on the rolls as a citizen of the Choctaw Nation and was married as such.

In reply to your letter you are informed that you will be allowed thirty days from this date within which to introduce such additional testimony as you desire to offer in support of the application of Mary F. Seifried for enrollment as an intermarried citizen of the Chickasaw Nation. Notice of the time of taking such testimony to be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

70519

Muskogee, Indian Territory, April 7, 1905.

Dorset Carter,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 31, asking that hearing be had in the matter of the application for the enrollment of the wife of Wm. F. Seifried as an intermarried citizen of the Choctaw Nation at Pauls Valley or Ardmore, as the applicant is very poor and not financially able to bear the expense of a trip to Muskogee.

In reply to your letter you are advised that it is impracticable to comply with your request for a hearing at Pauls Valley or Ardmore, Indian Territory, in the matter of the application of Mary F. Seifried for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation, but you will be allowed ten days from this date to introduce such testimony as you may desire to submit at the office of the Commission in Muskogee, Indian Territory, notice of the time of taking such testimony to be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

S.R.
LLB
August 19, 1905.

D.C. 40492-1905.
I.T.D. 10206-1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw nations, including the decision of the Commission dated June 28, 1905, adverse to the applicant.

August 10, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and conforming to the decision of the Department in the case of Emma Seifried of May 15, 1905, the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, denying the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw nations is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
50895-1905.

WASHINGTON.. August 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Mary F. Seifried.

June 28, 1905, the Commission decided adversely to the applicant. The record shows that the applicant claims enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage under a United States license on October 22, 1899, to William Seifried, who, it is claimed, is a citizen by blood of the Choctaw Nation.

It further appears that William Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing at No. 4558 on the lists of citizens by blood of the Chickasaw Nation approved by the Department April 13, 1903. It further appears that at the time of the said marriage the applicant and William Seifried were both residents of the Chickasaw Nation.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw or Chickasaw Nations or by any United States tribunal.

It further appears that the applicant has no right to enrollment as a citizen of either the Choctaw or Chickasaw Nations except such as she may have acquired through her marriage to William Seifried; that the name of William Seifried does not appear upon any of the tribal rolls of the Choctaw Nation, but that he is a recognized and enrolled citizen by blood of the Chickasaw Nation.

It further appears that the applicant was never married to William Seifried in accordance with the laws, customs and usages of the Chickasaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR, LRB

WASHINGTON.

D.C. 7794-1907.
I.T.D. 10296-1906.
19422-1906.

February 6, 1907.

LRB

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In conformity with the opinions of the Assistant Attorney-General for this Department of May 15, 1906 (I.T.D. 8574), and September 1, 1906 (I.T.D. 11194), in the matter of the application of Rosa Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw Nation, the motion for review or departmental decision of August 19, 1906 (I.T.D. 10296), denying the application of Mary F. Seifried for her enrollment as an intermarried citizen of either the Choctaw or Chickasaw Nation, is hereby denied. The motion was filed in your office on June 23, 1906, and was transmitted with your letter of August 23, 1906.

You will advise applicant and her attorney of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

5 inc. to Ind. Off.

W C

MEMORANDA.

Mollester

(Date) Nov 13 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day.

18 Wife's name. Mary F. Seifreid

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship U S

Intermarried citizen? yes

Married under what law? U S

License filed this day yes

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Memorandum received Intermarriage Seifreid certificate " " 2-2-99

D-519

Zora Gardner

Record transferred to
Choctaw card #3662

John W. Bond

Siard

DISMISSED

FEB 1 5 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of-

John W. Beard.

7-D-521.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

South McAlester, March 23rd, 1899.

In the matter of the Application of
Alfred F. Beard, et al., against
the Choctaw Nation.
Court Case; decided August 24,1897.

Witness John W. Beard, being duly sworn, upon being examined testified as follows, to-wit:

Q Are you the identical John W. Beard that appears in this copy of this decree? A: Yes sir

Q What is your age? A: Thirty-one.

Q Where do you reside? A: Don't reside any place at present; have just been mustered out of the service. Previous to my enlistment, in the Chickasaw nation. I had been over there for six or seven months.

Q When did you move to the Chickasaw nation? What was the date you moved there? A: In the spring of1897.

Q You said you had only been there about six months? A: Yes sir

Q You said only six months? A: I had lived there at different times. I left there in July, 1898.

Q Where did you go to? A: I went to Oklahoma and enlisted in the service of the United States on July 1st.

Q How long had you then been living in the Chickasaw Nation?

A A little over one year

Q Where had you lived prior to that time? A: In Oklahoma Territory and in the Cherokee nation.

Q Have you a family? A: No sir; single man.

Q Where had you been making your home in the Chickasaw nation?

A Close to Tishamingo, part of the time in there and part of the time below.

Q What business were you in? A: I labored at whatever I could get to do. Civil Engineering is part of my business.

(2)

Q You say you left on the fist day of July?

A Yes sir, I left two or three days before that; that was the day I enlisted.

Q What day did you leave there? A: About June 27th.

Q Did you go to Oklahoma Territory? A: Yes sir

Q Did you move there or go there to enlist?

A Went there to enlist and enlisted on July 1st.

Q How long had you been living in Oklahoma and the Cherokee nation?

A About twelve years.

Q You had gone into the Chickasaw nation? A: Yes sir

Q What was the date you went there? A: I don't remember.

Q What month? A: I don't remember; it was in the spring.

Q What year? A: 1897.

Q You a single man? With whom did you live in the Chickasaw nation during that time? A: I worked with Baker.

Q Which Baker? A: I don't know his initials.

Q Where? A: Tishamongo.

Q How long? A: I don't remember just how long. I was there about two months at his house. Baker lives two or three miles from Tishamingo, north-east.

Q Who else did you work for? A: The balance of the time I worked on the surveying corps.

Q Under whom, as head man? A: A. L. Phillips.

Q Where did you come from when you joined that surveying corps?

A I came from the Cherokee country.

Q Where did you join that surveying corps? A: At Claremore.

Q How long did you work in the Cherokee nation?

A I worked up there/I guess about two months.

Q You came on up there and then come down here? A: Yes sir

Q Do you call that a residence in the Chickasaw nation? You were just there simply for the work?

A No sir, that was my home at that time.

Q How did you make it your home? A: I went to Claremore from Tishamingo

to join this corps.

Q How long had you been there before you left to join them?

A About one month

Q What had you been doing? A: I had not had any steady job.

Q You joined that surveying corps up there and served on that until you went to Oklahoma, did you not? A: No sir

Q How long had you been off that when you went to Oklahoma?

A I don't believe I was off very long before I went back up there.

Q How long? A: About three weeks.

Q Where did you stay during that three weeks? A: I had ateam and did not stay any particular place; we were camping out.

Q You remained with them? A: No sir, I camped at Mill Creek for several days.

Q Now I tell you what I want you to do. I want you to prove something more about your claim?

A I was residing in the Territory when I made this application.

Q Where were you living? A: At Tishamingo.

Q You can appear at one ofour regular appointments and you had better have some other proof about your residence.

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov. 14, 1899.

In the application of John W. Beard for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A John W. Beard.

Q How old are you? A Thirty-one.

Q Are you the same John W. Beard whose name appears in this decree of the United States Court at South McAlester rendered on the 24th day of August 1897? A Yes sir.

Q Where were you born? A In Missouri.

Q When did you first come to the Indian Territory? Or to the Choctaw or Chickasaw Nation? A In 1889.

Q How long did you remain here then? A About four months.

Q You were married then? A No sir.

Q Where did you go to then? A To Oklahoma City.

Q How long did you remain there? A About two years.

Q Where did you go to then? A Then I went to the Sac & Fox country.

Q How long did you remain there? A I was there a year or two, about two years.

Q Where did you go to then? A To the Cherokee Strip.

Q How long did you remain there? A I was there about eight or nine months.

Q Where did you go to from there? A Went back to the Sac & Fox country again.

Q How long did you remain there? A Only a short while.

Q Where did you go to then? A Into the Chickasaw Nation.

Q When was that? A It was in 1895 or 1896 that I went back the last time.

Q How long did you stay there then? A About a year.

Q Where did you go to then? A I went back to Oklahoma City

again.

Q How long did you remain there? A I was there about six or seven months.

Q Where did you go to from there? A I was back in the Territory the next summer.

Q What year? A In 1897 I think.

Q Was that in the Chickasaw Nation? A Yes sir.

Q How long did you remain there then? A About seven or eight months.

Q Where did you go to then? A I enlisted in the Army then.

Q While you were in the Chickasaw Nation?

~~Q Did you enlist Shawnee, Oklahoma, Chickasaw Nation?~~ A No sir, I enlisted at Shawnee, Oklahoma.

Q How long had you been in Shawnee? A Ab ut two weeks.

Q You went off in the Army then; when did you return?

A I returned the last of February 1899.

Q Have you been living in the Territory ever since? A Yessir

Q Have you a family now? A No sir.

Q You are a single man? A Yes sir.

Q You have never been married? A No sir.

Q How long were you off in the War? A About nine months.

Q You said you went away in 1897, it was in 1898 wasn't it?

A Yes sir, it was in 1898.

Q When were you mustered out? A 13th day of February 1899.

Q You came to the Territory then? A Yes sir.

Q Where were you at the date of this judgment, August 24th 1897?

A In the Chickasaw Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M B [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-521.

Muskogee, Indian Territory, March 4, 1902.

John W. Beard,

Ardmore, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

In the matter of the application of John W. Beard for enrollment as a citizen by blood of the Choctaw Nation.	D-521.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John W. Beard for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear, either in person or by attorney.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 14 day of April, 1902.

Clarence Mitchell Wood

Notary Public.

-D-521.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Beard for enrollment as a citizen by blood of the Choctaw Nation.

-----o-----

It appears from the records of the Commission that on September 9, 1896, in the case entitled "Alfred B. Beard vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, Case No. 273), original application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of the applicant herein, John W. Beard; that on December 4, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which Court, on August 24, 1897, in the case entitled Alfred G. Beard, et al., vs. The Choctaw Nation" (Citizenship Case No. 97), entered of record a judgment reversing the decision of this Commission, and admitting the said John W. Beard to citizenship in said Nation as a citizen by blood thereof.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902, (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory, admitting the applicant herein to citizenship in the Choctaw Nation. Said cause, as to the applicant herein, has not been certified to said Choctaw and Chickasaw Citizenship Court, for a trial de novo, within the time prescribed by the provisions of said Act of Congress approved July 1, 1902, (32 Stat., 641).

In accordance with the opinion of the Acting Attorney General dated May 9, 1904, (I.T.D.3[illegible]4-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904, (I.T.D.[illegible]24[illegible]-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of the applicant herein, John W. Beard, as a citizen by blood of the Choctaw Nation, and it is, therefore, hereby ordered that the application for the enrollment of John W. Beard as a citizen by blood of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

FEB 10 1905

Choctaw 3 [illegible]

COPY.

Muskogee, Indian Territory, February 20, 1906.

John W. Beard,

Ada, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 20, 1906, dismissing your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. V-D-321

Choctaw D 521

COPY.

Muskogee, Indian Territory, February 16, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated February 10, 1906, dismissing the application for the enrollment of John W. Beard as a citizen by blood of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-D-521

COMMISSIONERS
SIDNEY G. DARRIS.
TAMS BIXBY.
THOMAS B. NEWLAND.
C. R. BREEDLOVE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muscogee, Indian Territory,
August 18th, 1900.

John W. Beard,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby
Acting Chairman.

7-D-521.

Choctaw D 521.

Muskogee, Indian Territory, September 26,1902.

S. R. Tolbert,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23, 1902, asking to be informed as to the citizenship of J. W. Beard, whose post office, you say, is Ada, Indian Territory.

In reply to your letter you are advised that it appears from our records that John W. Beard has been listed for enrollment by the Commission among the doubtful claimants to enrollment in the Choctaw Nation, pursuant to a judgment of the United States Court for the Central District of the Indian Territory, rendered August 24, 1897, in court case, Citizenship Docket, Number 97.

Respectfully,

Acting Chairman.

7-D-521

Muskogee, Indian Territory, December 15, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 10, 1903, in which you ask the status of the application of John W. Beard for enrollment as a citizen of the Choctaw or Chickasaw Nation, or for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that John W. Beard was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District, of the Indian Territory, rendered August 24, 1897, in court case (Citizenship Docket), No. 97.

Respectfully,

Chairman.

Wk

MEMORANDA.

(Date) Nov 14 1899.

31 Name John W. Bears

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

admitted by [illegible] of Charles Aug 24/97 — As to [illegible] see this testimony

(R 521)

Joseph E Dyer.

Record transferred to
Choctaw card #5642

D 523

Sty. A. Grubbs

Record transferred to
Choctaw card # 5355

D 554

Victor M Locke.

Record transferred to Choctaw card #5741.

CHOCTAW D 523

David Charley.

Record transferred to
CHOCTAW. #4901-

Choctaw D 526

Hawley Stallings

D-526

ey, Stallings

DISMISSED

MAY 27 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

Hawley Stallings, 7-D-526.

----o----

Stringtown [illegible]
Nov. [illegible]

[illegible]

[illegible]

Peaves Cloth [illegible]

Post Office
Boonville [illegible]
[illegible]

Haole Stallings

D-52[illegible]

No. 592

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of

Mr. W. H. Stallings and

Miss Hawley Cloud

was filed in my office in said Territory and District the 26 day of Oct A. D. 1899 and duly recorded in Book 1 of Marriage Record, Page 296

WITNESS my hand and seal of said Court, at Atoka this 26 day of Oct A. D. 1899

E. J. FANNIN, Clerk.

By D. A. Robb Deputy.

STATIONERY, GALVESTON 100

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between Mr. W. H. Walling of Stringtown in the Indian Territory, aged 51 years, and Miss Hawley Clark of Stringtown in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this 26 day of Oct A.D. 1899

D. N. Robb
Deputy

D. Frame
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

I, D. H. Linebaugh, a Minister of the Gospel do hereby CERTIFY, that on the 26 day of Oct A. D. 1899 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this 26 day of Oct A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book B, Page 141

[redacted]

D. H. Linebaugh
a Minister of the Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

Commission to the Five Civilized Tribes,

McAlester, Ind.Ter., Nov.16, 1909.

In the enrollment of Hawley Stallings as an intermarried Choctaw; William H. Stallings being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A William H. Stallings.

Q How old are you? A Fifty-one.

Q You present there a license issued by the Clerk of the United States Court at South McAlester October 26th 1899 for the marriage of yourself and Miss Hawley Clark, that is the correct date on which you obtained this license? A Yes sir.

Q The marriage certificate is dated October 26th 1899, that is a correct date is it? A Yes sir.

Q Were you committed by the court? A Yes sir.

Q At South McAlester? A Yes sir.

William H. Stallings, re-called, states:

Examined by ch e Com'r Lewis:

Q Ain't you separated from your wife? A No sir, she went off from my house and went down about Stringtown, and Mr. Walker come up there in the evening and wanted me to go down there, and got he got uneasy about her, and the old lady that was keeping house for me got uneasy and she said you had better go to Mr. Walker's; I told her I wouldn't do it. That was Friday night, and Saturday morning I went to Atoka and I told that paper man there thath e might advertise her, and on Monday I wrote Mr.Smiser a card and he never got it, and put it in the paper.

Q You denied that awhile ago when Mr.Telle asked you? A I believe I did say--I thought the card I wrote would stop it in the paper.

Q Com'r Needles: Mr.Telle asked you very plainly if you didn't put a notice in the paper? A I didn't deny it.

She was my wife by marriage, and she come back home on her own accord.

Hawley Stallings- William H.Stalling witness #2)

Q Com'r McKennon: You knew that notice was in the paper?

A No sir, I wrote them a card on Monday,- that was on Saturday, and the paper wouldn't come out until Thursday, and I thought it was in time to keep it out of the paper. The man said he never got the card and said he put it in the paper .

Q How long did your wife stay away from you? A She staid away until Sunday evening after we was married Thursday, we was married the 26th and she went away the 27th after dinner, went down to Mrs. Walker's, and the lady that was living with me asked me where she was and I said I didn't know, and she said you had better go to Mr. Walker's and see if she is there and I says I wont do it, and she sent Mr. Walker up there Friday evening to my house, and wanted me to come to Mr. Walkers, and I told Mr. Walker I wouldn't go.

Q Was this the first time you married her? A Yes sir.

---- ----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-826.

Muskogee, Indian Territory, March 4, 1902.

Henry Stallings,

Stringtown, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Hawley Stallings for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-826.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of David Charley for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

---:---

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clorainie Shellworth

Notary Public.

Dd

7-D-526.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Hawley Stallings for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Hawley Stallings, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Wm. H. Stallings. The right of the applicant's husband, Wm. H. Stallings, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 77, upon the South McAlester docket of said court, it is hereby ordered that the application of Hawley Stallings for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

COPY.

Muskogee, Indian Territory, June 6, 1904.

Hawley Stallings,
Stringtown, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.
Chairman.

Registered.
Incl. 7- D- 528.

7- D- 625.

COPY:

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Hawley Stallings.

Respectfully,

SIGNED
Tams Bixby.
Chairman.

Registered.

Incl. 7- D- 625.

See Choctaw R- 550 for registry receipt for this letter.

Choctaw D 526

Muskogee, Indian Territory, April 30, 1902.

W. H. Stallings,

Stringtown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you state that you did not receive the notice of the Commission in time to appear at our office within the specified time for the consideration of your application for enrollment as a citizen of the Choctaw Nation.

It does not appear from a careful examination of our records that you have ever been notified by this Commission to appear before it at any time or place relative to your enrollment as a citizen of the Choctaw Nation and we are therefore unable to understand the reference in your letter of April 24, 1902 relative to final consideration of your rights to enrollment as a citizen of the Choctaw Nation.

The Commission did on March 4, 1902, advise Hawley Stallings at Stringtown, Indian Territory, that the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration by the Commission at its office at Muskogee, Indian Territory, on April 14, 1902. It is apparent that this notice was delivered to the

person to whom addressed as the same was forwarded from this office by registered mail and we now have in our records receipt for the same signed by J. W. Parsons , the agent of the addressee.

In pursuance of the notice above referred to, the Commission on April 14, 1902, at its office at Muskogee, Indian Territory, called for final consideration, the matter of the application of Hawley Stallings for enrollment as a citizen by intermarriage of the Choctaw Nation. No appearance was made at that time either by or on behalf of the applicant nor did the Choctaw Nation enter its appearance by its legal representatives.

It appears from our records that Hawley Stallings is a white woman to whom you were married under United States license on October 26, 1899 after your admission to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory.

It further appears from the testimony in this case that there was a question as to a separation between you and your wife after the marriage of October 26, 1899.

It is probable that no final action will be taken relative to the right to enrollment of Hawley Stallings as a citizen by intermarriage of the Choctaw Nation, for the reason that she claims her right to such enrollment by reason of her marriage to a person admitted to citizenship by a judgment of the United States Court

in Indian Territory and there is a contention now being urged by the Cherokee Nation against all parties so admitted to citizenship and until the final disposition of this question the Commission will not render any decisions relative to the rights to enrollment of persons whose citizenship is based upon the rights of persons so admitted by these judgments.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) Nov 16 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Stanley Stallings

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? U.S.

License filed this day yes

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

As to marriage certificate of husband, see Stallings.

D-526

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
JUN 11 1904
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

71

12948
11623

~~Henry Billings,~~
~~Stringtown, Indian Territory.~~

JUN 21 1904

File unit
CHOCTAW
B-26

Reported deceased.

W

Rachel Dunn

Transferred to Choctaw

#5894 JAN 2 1905

D.

Susan Frazier.

Recd transferred to
Choctaw card #736

A 528

Else Pirie

Record transferred to photo card #250

8. 530

Rosa Lewis

Record transferred to
Choctaw card #4709

D 531

Jesse A. Worley

Record transferred to

CHOCTAWS #5818.

CHOCTAW D 532

Joseph S. Mullen

Record transferred to
Choctaw card # 3187.

D. 533

Floyd Owens

Record transferred to
Choctaw card #5684

CHOCTAW 534

Tariga Pegus

GRANTED

and [illegible] to CHOCTAW

card [illegible] 20 [illegible]

Checked D-535

Williams Myers

D.S.S.

William Meyers

DISMISSED

JAN 2 1905

See Choctaw 11 9 19 for record

SECRETARY OF INT

FEB 28 1907

NOTICE OF DEPARTMENTAL ACTION
HOLD ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

APR 6 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS

APR 6 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

Mar 6 1909 Dept refers letter of Kappler & Merillat for report
April 7 1909 Report to Dept.
April 13 1909 Dept refers for report letters of Kappler & Merillat as to certain persons connected with this case
April 17 1909
April 23 1909 Report to Dept as to all parties to this case
May 28 1909 Dept. holds case is not auspicious to holding case and declines to take further action looking to enrollment of applicants
June 11 1909 Parties notified

7-D-535.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation.

-----oOo-----

The applicant, William Myers, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Minnie Myers, nee Randolph.

The right of the applicant's wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 29, 1904, in case No. 29 upon the Tishomingo docket of said court, it is hereby ordered that the application of William Myers for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tams Bixby

Chairman.

Muskogee, Indian Territory,

JAN 21 1905

Choctaw D-535.

COPY.

Muskogee, Indian Territory, January 21, 1905.

William Myers ,

Erin Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 21, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. V-D-535.

Choctaw D-535.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 21, 1905, dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-D-535.

C -31
7-4979
7-4976
7-4977
7-4978
7-5012
7-5026
7-5037
7-5038
7-D-535
7-5013
23-1093
23-1120
23-1274

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James N. Harper for the enrollment of his wife, Daisy Harper and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation, that on February 9, 1901, written application was filed for the enrollment of Lelia

Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie Myers (formerly Randolph) as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daugher, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pals Valley, Indian Territory, September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1899, by William Myers for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), of the following applicants; Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam P. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L.Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said Judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam P. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall,

be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse O. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtie Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtie Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Allen Thompson and Giles Clide Thompson,

said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with _____ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph Lena R. Randolph, Vivian Randolph, William Myers, Minnie Myers, Lelia Blanche Myers, John B. Myers, William E. Wheat, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitled them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dellie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the

enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudella Hopper Samuel J. Hogg, Roy Randolph, Dick Myers, and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall, and Daisy B. Harper, as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I.T.D. 9114-1906), in the case of Laura B. Akin, and of October 10, 1906, (I.T.D. 15388-13926-1906), in the case of Hayne Nelms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Feb. 4-1907.

Muskogee, Oklahoma, April 7,1909.

Report on letter of
Kappler & Merillat in re
Choctaw enrollment cases
of William J. Thompson
and others.

The Honorable,

- The Secretary of the Interior.

Sir:

March 26,1909 (File 5-51,Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25,1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls, Valley, Indian Territory, September 14, 1898, by Samuel C Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor childred, Hiram T. Wall and Pessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3,1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Natich; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28,1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1,1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14,1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26,1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9,1901, written applicatian was filed for the enrollment of Lelia Blanche Myers, and on June 28,1902, written application was filed for the enrollment of John Boyd Myers, a minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Na-

tion; that on September 15,1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson, for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15,1898 , by William K. Wheat for the enrollment of himself as an intermarried citizen and for his minor childre, Jesse G. and Myrtie E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson, for enrollment as a citizen of the Choctaw Nation; that on November 14,1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14,1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8,1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10,1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Enis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2,1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19,1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17,1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J.T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1,1902 (32 Stats., 641), for a trial de novo, and on November 29,1904, in the case entitled "Samuel Wall, etal., vs. Choctaw and Chickasaw Nation," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Samuel F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application wasmade to the Commission to the Five Civilized Tribes on September 8,1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10,1896 (29 Stats., 321), of the following applicants: Dick Randolph , Myrtie Randolph , Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William F. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J..Thompson (as William Thompson),Decosa Thompson , Ellen Thompson and May Thompson.

This application was denied December 7,1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the Unidted States Court for the Southern District of Indian Territory, which court, on January 19,1898, in the case entitled "Dick Randolph, et al vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17,1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29,1904, in the case entitled "Dick Randolph, et al. vs. Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtie Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtie Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21,1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollmennt of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29,1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence W. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24,1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4,1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2,1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory , a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John P. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William N. Thompson, Winona Thompson and Ella Thompson, as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William N. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with _____Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Myrtle Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John R. Myers, William E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar R. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28,1898 (30 Stats., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28,1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26,1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7,1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18,1906, application was received under the provisions of the Act of Congress approved April 26,1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30,1906, and on July 18,1906, application was received for the enrollment of Daisy R. Harper, born July 31,1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30,1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31,1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6,1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4,1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam T. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Bollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie

Louis A Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4,1907, transmitted to the Secretary of the Interior for review.

On February 28,1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19,1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtie Randolph and herbrother W. J. Thompson. The opinion of the Attorney General, as to these two

persons, concludes as follows:

> "This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the Claimant by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Louie (or Lulu) West et al., and stated as follows:

> "This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.
>
> For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merillat of March 25,1909, is returned herewith.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.
McM 7/2

NT

J.W.H.
J.W.H.
W.C.P.
T W L

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Address only
The Secretary of the Interior.

April 13, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,
Decosa Randolph,
Herman Randolph,
Hugh Roy Randolph,
Lena Randolph,
Vivian Randolph,
Minnie Hall,
Blanch Myers,
Thomas Myers,
Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions

contained in departmental letter of March 15, 1909 (File 6-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.
(Send direct: copy
to Indian Office.)

FR

J.W.H.
J.W.H.
W.C.P.
T.W.L.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Address only
The Secretary of the Interior.

April 17, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 13, 1909, from Messrs. Kappler & Merillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribe:

W. E. Thompson,	T. J. Hogg,
Eunice Hogg,	J. N. Harper,
Daisy Harper,	Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 enclosure. Send direct copy to Indian Office.

D 449-1909
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters of April 13,1909 and April 17, 1909, relative to W. B. Thompson, et al. and Winona Thompson, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 13, 1909 (File S-51) transmitting communication of April 7, 1909, from Messrs. Keppler & Merillat, attorneys at law, Washington, D. C., wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that Winona Thompson, Decona Randolph, Herman Randolph, Hugh Roy Randolph, Lona Randolph and Vivian Randolph, Minnie Hall, Hannah Myres, Thomas Myres and Dick Myres be restored to the status of recognized citizens of the Choctaw Nation, and requesting a report concerning the enrollment of said persons.

Receipt is also acknowledged of Departmental letter of April 17, 1909 (File S-51), transmitting communication of April 13, 1909 from Messrs. Keppler & Merillat, attorneys at

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. R. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat.,321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as

Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898, in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641) for a trial de novo, and on November 29, 1904, in the case entitled Samuel Wall, et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie G. Randolph), William H. Wheat (as William Wheat) Myrtle H. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat) Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson, Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dellie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1908, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1906, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lalia Blanche Myers, and John Boyd Myers, and on January 24, 1906, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 8, 1906, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wood as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Paula Valley, Indian Territory, a petition praying for the enroll-

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dellie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William H. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

concurred in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 (I T D 5080,5146,5148,5190,5194,5196,5200,5208,5212,5214,5322, 5334,5336,5344,5346,5350,5358,5394,5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merillat of April 7,1909 and

Secretary's

April 13, 1909 are herewith returned.

Respectfully,

Commissioner.

October 4097

Through the Commissioner
of Indian Affairs.

AB

Land:
27496-1909
31862-1909
I R D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, G.R.
Washington. Jun 4 1909

Enrollment case of
Samuel C. Wall, et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. H. Hauke,

Chief Clerk.

JO-3
1786

RSM
LHA
LHB

GR

Land
27496-1909
31863- "
J E D

May 4, 1909

Enrollment claims of
Samuel C. Wall et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 5-51 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Billie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy E. Harper as citizens, for the enrollment of Ellen Wall, Nick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Seven-

nah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtle Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States

in its decision of November 30, 1908 in that case (211 U. S. 209).

It is therefore recommended that the Department take no action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al.

The record in the case and other papers pertaining thereto are inclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,
Acting Commissioner.

GEB-1
SZH

WCP JWK

APPROVED: May 26,1909.

Frank Pierce
First Assistant Secretary.

FWS

Choctaw 5018
Choctaw D 436

Muskogee, Oklahoma, June 11, 1909.

Mr. William Myers,
Erin Springs, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel G. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249), and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of William Meyers for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-535

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of William Meyers for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Tickellwood
Notary Public.

Muskogee, Indian Territory,

August 18th, 1900.

William Myers,

Erin Springs, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-535.

Muskogee, Indian Territory, September 18, 1900.

Willing Meyers,

Erin Springs, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection made by the Nation is, that the person, through whom you claim your right for enrollment as a citizen of the Choctaw Nation, is a white person, who can not confer the rights of citizenship on you.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning November 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any decision that may be taken, will be mailed to you.

Yours truly,

Acting Commissioner

T-2-525

Muskogee, Indian Territory, February 9, 1901.

William Myers,

Wallville, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of [illegible] the infant daughter of William and Minnie Myers, born October 8th, 1900, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

T.B.Ad.

Acting Chairman.

WT

J.W.M.
J.W.M.
W.C.P.
T W L

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 13, 1909.

Address only
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,	Decosa Randolph,
Herman Randolph,	Hugh Roy Randol ph,
Lena Randolph,	Vivian Randolph,
Minnie Hall,	Blanch Myers,
Thomas Myers,	Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.
(Send direct: Copy
to Indian Office).

Kappler & Merillat,

Attorneys and Counsellors at Law

Bond Building

Washington, D.C. April 7,1909.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

As attorneys for Winona Thompson, Bosse, Herman, Hugh Ray, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merillat.

FR

J.W.M.
J.W.M.
W.C.P.
T.W.L.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1909.

Address only
The Secretary of the Interior.

File 5-51.

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Eunice Hogg,	J. E. Harper,
Daisy Harper,	Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.

Assistant Secretary.

1 enclosure: Send direct copy to Indian Office.

Kappler & Merillat

Attorneys and Counsellors at Law

Bond Building,

Washington, D. C. April 13, 1909.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson, we hereby respectfully make demand that you cause their names to be restored to the rolls of the Choctaw Tribe of Indians, from which they were stricken by the Secretary of the Interior.

At the same time, we respectfully desire to give notice that if the demand be not acceded to we will take appropriate proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law, and for the reason that we believe the Secretary of the Interior was without authority or jurisdiction to strike from the rolls the names of persons once placed thereon, especially where land had been allotted to the parties, as was the case with our clients.

Yours respectfully,

(Signed) Kappler & Merillat.

D 489-1909
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters of April 13, 1909 and April 17, 1909, relative to W. E. Thompson, et al. and Winona Thompson, et al.

The Honorable,

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Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898 in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

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Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat.,641) for a trial de novo, and on November 29, 1904, in the case entitled Samuel Wall et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishemingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat) Waldemar Thompson, Dellie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph, et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

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January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1906, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1906, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1906, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dellie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 25, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurred in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 (I T D 5080,5146,5148,5190,5194,5196, 5200,5208,5212,5214,5322, 5334,5336,5344,5346,5380, 5358,5394,5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merillat of April 7,1909 and April 13, 1909, are herewith returned.

Respectfully,

Choctaw 4997
Through the Commissioner
of Indian Affairs.

AB

Commissioner.

WE

MEMORANDA.

Atoka

(Date) December 5 1899.

23 Name William Myers

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship US

Intermarried citizen ? yes

Married under what law ? Chickasaw

License filed this day, yes

Wife's name, ...

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

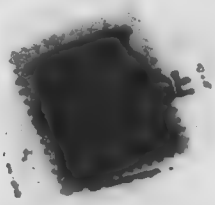
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

As to marriage & blood of wife see his testimony

P. 435

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

JAN 10 1905



REGISTERED
JAN 26 1905
MUSKOGEE, IND. TER.

~~William Byers,~~

~~Bois Springs, Indian Territory.~~

Enclosed

1940
10546

10

Charles Hageman

Record transferred to

CHOCTAW. #5834.

Crosstrial D-[illegible]

James Dilfield

Dismissed
Feb. 1, 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of . . . . . .

JAMES DILLARD.....7-D-537.

W-013

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-537.

Muskogee, Indian Territory, March 5, 1902.

James Dillard,

Marlow, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of James Dillard for enrollment as a citizen by blood of the Choctaw Nation.	D-537.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of James Dillard for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clara Mitchell Wood
Notary Public.

81
81

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MAR
5
1902
MUSKOGEE, IND. TER.

REMOVED

3100
1658

James Dillard,

Marlow, Indian Territory.

RETURNED TO SENDER

REGISTERED
AUG
13
1902
MUSKOGEE, IND. TER.

(3

7D-537

Muskogee, Indian Territory, November 9, 1908.

Postmaster,

Marlow, Indian Territory.

Dear Sir:

On December 5, 1899, James Dillard appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Choctaw Nation.

Frequent letters addressed to his last known post office address at Marlow, Indian Territory, have been returned unclaimed.

If you have any knowledge relative to the whereabouts of said applicant, kindly notify this office of same at the earliest possible date.

Respectfully,

Commissioner.

Rev.

We know nothing of James Dillard.

Georgia Kectore, P. M. Perrill.

7-D-537. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Dillard as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on December 5, 1899, there was listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes, from the 1896 Choctaw Census Roll, the name of James Dillard. This action was taken by said Commission in order to protect whatever rights the said person might have to enrollment as a citizen of the Choctaw Nation.

The applicant is identified upon the 1896 Choctaw Census Roll, opposite No. 3639, as a resident of the Chickasaw Nation.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of prominent Choctaw and Chickasaw citizens of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant, but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of James Dillard as a citizen by blood of the Choctaw Nation should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 1 1907

_____.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of James Dillard for enrollment as a citizen by blood of the Choctaw Nation.	D-537.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of James Dillard for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

---:---

Nal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Nal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Hallmark

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ateka, I.T. August 20, 1901.

Choctaw D-537.

In the matter of the application for enrollment of Henry Hancock, as a citizen by intermarriage, of the Choctaw Nation.

Don J. Folsom being first duly sworn testified as follows:

Examination by J. G. Ralls, attorney for applicant.

Q State your name age and residence? A My name is Don J. Folsom, I am thirty-five years old and live in Ateka, Indian Territory.
Q What is your citizenship? A I am a Choctaw Indian by blood.
Q How long have you resided in Ateka? A Thirty-five years.
Q What official position did you hold under the Choctaw Authorities in December 1887, if any? A County Clerk.
Q What County? A Ateka, County.
Q Do you know Henry Hancock? A Yes sir.
Q State if you saw him about December 1887 in connection with your official duties? A No sir; it was in November '87, the first few days in November.
Q State what official transaction you had with him at that time? A He came for a marriage license and I issued same to him.
Q Was this marriage license what is commonly called a Choctaw Marriage license? A Yes sir.
Q You issued it in accordance with the laws of the Choctaw Nation.
Q Yes, it was in accordance with the Choctaw laws. I issued it for my father. He was County Judge at the time.
Q Was Henry Hancock a white man? A I suppose he was; he said he was.
Q Was the woman to whom he was to be married a white woman or a Choctaw? A The regular form or petition was signed by the requisite number of Choctaw signers stating that she was a Choctaw.
Q Than the license that you issued was to authorize persons to solemnize the marriage ceremony of a white man to a Choctaw citizens? A Yes sir.
Q Was this marriage license ever returned to you, that you know of? A I think it was I am not sure.
Q Do you know what became of it? A I do not. If it was returned in was recorded in the County record.
Q Do you know whether or not the County records for 1887 are still in existence? No sir I do not at the present time.
Q Who is County clerk at this time? A Robert Harrison.
Q You are not related to any of the parties in this notice? A No sir, not at all.

J. G. Ralls being called as a witness, duly sworn testified as follows:--

My name is J. G. Ralls. My post-office is Ateka, Indian Territory. I am thirty eight years old. I am attorney for the applicant Henry Hancock and I have requested the County Clerk to search his records and furnish me a copy of the marriage license referred to in this case and he informed me that no such record appears and there is nothing further on record than the

marriage certificate in this case.

By the Commission,

Dan J. Folsom, recalled.

Q Mr. Hancock paid you the license fee required by the Chester law, one hundred dollars? A No sir, it was twenty-five dollars. We were operating under the twenty-five dollar law then.
Q He paid you the fee that was required by the Chester law at the time this license was issued ? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 20, 1901, and that the above and foregoing is a full true, and correct transcript of his stenographic notes had in said cause on said date of August 1901.

G Rosenwinkel

Subscribed and sworn to before me this 22 day of August 1901.

D W Kinebaugh.

Notary Public.

WC

MEMORANDA.

Atoka

(Date) Dec 5 1899.

26 Name James Dillard

Choctaw? yes County Chick Dist Year 1896 No. 3639.

Chickasaw? County Year Page 87

Citizen by blood? yes Mother's citizenship Choc.

Intermarried citizen?

Married under what law?

License filed this day.

Wife's name.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Was in the Army at Ft. Sill - got into trouble about post-office matters, and is now in hiding.

R 536

CHOCTAW D 538

Henry Hancock.

Record transferred to
CHOCTAW #5864.

D 539

Elizabeth. Rhea.

Record transferred to
Chestnut card # D 74.

D. 540

Atoka Lewis.

Record transferred to
Choctaw card # 4089

8 541

Lillian M. Walden.

Record transferred to
Choctaw card #3438

D 542

Simon Ward.

Record transferred to Choctaw card #1214.

543

Alma Parker.

Record transferred to Choctaw card #4127

D 544

Dora Phillips

Record transferred to Choctaw card # 1204.

CASE NO. 245

Charley W. Davis

Dismissed
Oct. 25, 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

Charley W. Davis 7-D-545.

D.545

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I.T.12/29/99.

In the matter of the enrollment of Charley W. Davis as an intermarried Choctaw, said Davis being sworn, testified:

(By Capt. McKennon:)

Q What is your name? A Charley W. Davis.

Q What is your age? A I will be 21 years old the 22nd of July next.

Q You present here a license issued by the County and Probate Judge of Pontotoc county, in the Chickasaw nation, for the marriage of Charley W. Davis, citizen of the United States, and Miss Ira May Burks, Choctaw citizen, residing in the Chickasaw nation, dated December 6, 1899, with certificate of marriage dated December 17, 1899, are these correct dates upon which this license was issued under which you were married? A Yes sir.

Q How long have you resided in the Chickasaw nation, Mr. Davis?

A. I have lived in the Chickasaw nation four years the 17th day of November.

Q How long was she, Miss Burks was she living in the Chickasaw nation at the time this license was issued? A Yes, she was living there then.

Q How long had she been living there? A I think it was about one year, I am not sure. It was more than a year. She has been living in the Chickasaw nation two years so far as I know. She lived in Ardmore a year, and Wynnewood one year.

Q What amount did you pay for the issuance of this license? A $50.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
B McKennon

7-D-545.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory August 22, 1904.

In the matter of the application for the enrollment of Charley W. Davis as a citizen by intermarriage of the Choctaw Nation.

Charley W. Davis being first duly sworn testifies as follows:

Examination by the Commission:

Q Whatis your name? A Charley W. Davis.
Q You are a white man and claim no rights as a citizen by blood?
A Yes, sir.
Q Whatever rights you have you claim through your wife Ira Burks?
A Yes, sir.

Ira Burks through whom the applicant claims is identified on field card #5207. She was denied citizenship by the Choctaw and Chickasaw Citizenship Court June 29, 1904 in case number 87 on the Tishomingo Docket.

Q You have resided in the Choctaw-Chickasaw country since your marriage to her? A I have resided in the Chickasaw Nation.
Q Your wife is dead? A Yes, sir.
Q When did she die? A September 20, 1902.

Marriage license and certificate on file.

Q Was she your first wife? A Yes, sir.
Q And you were her first husband? A Yes, sir.

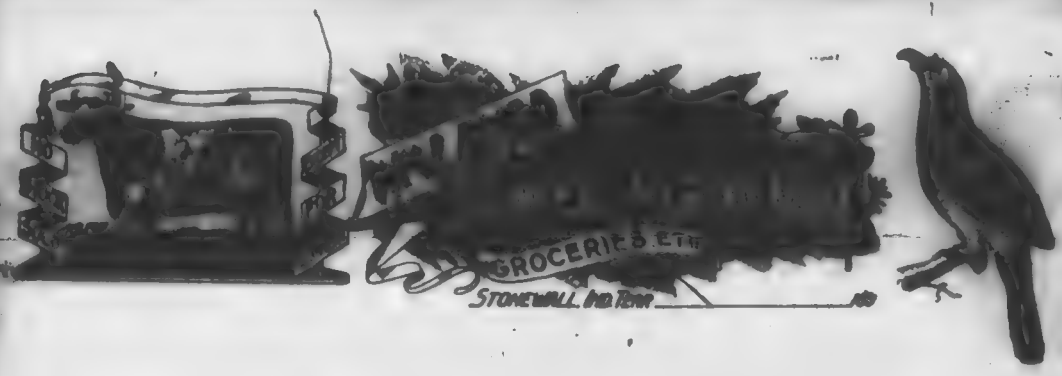
Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 27th day of August 1904.

Charles N. Sawyer
Notary Public.



By authority in me vested by law I do grant this license to Charley M. Davis, a citizen of the United States, to marry Miss Ira May Banks, a Choctaw residing in the Chickasaw Nation. Given under my hand this December 6th 1899.

Simon Wolf
County and Probate
Judge of Pontotoc
County Chickasaw
Nation.

[illegible]

[illegible]
[illegible] I certify
that I united in holy
bonds Charley H. Davis and
Miss Ina Mary Burks.
This December 17 1899.
Witnesses present [illegible]
[illegible] Minister.

I hereby certify that the foregoing
marriage license and marriage certificate
of Charley H Davis and Miss Ina Mary
Burks, being recorded by me in
marriage record book C on page 100
this the 26th day of December 1899.

Sam Smotherey Clerk
Pontotoc County Miss

7-D-545.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of Charley W. Davis as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Charley W. Davis, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Ira Burks. The right of the applicant's wife, Ira Burks, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904 in case No. 87 upon the Tishomingo docket of said court, it is hereby ordered that the application of Charley W. Davis for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

OCT 25 1904

V-D-545

COPY:

Muskogee, Indian Territory, October 25, 1904.

Charley W. Davis,

Davis, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. V-D-545.

7-D-348

COPY.

Muskogee, Indian Territory, October 28, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 28, 1904, dismissing the application for the enrollment of Charley W. Davis as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-D-348.

Muskogee, Indian Territory, May 8, 1900.

Mr. Charles W. Davis,

Davis, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 3rd, in which you desire to be informed if there any question about your right to citizenship in the Chickasaw Nation; that you were lately married last December, in compliance with the Chickasaw law, and under a Chickasaw license, to Ira May Burks, who is listed for enrollment as a Chickaw.

You are informed that the records of this Commission show that Ira Burks, seventeen years of age, the daughter of Burton S. Burks was listed for enrollment by this Commission September 23rd, 1898, as a Choctaw, in pursuance of a judgment rendered by the United States Court for the Southern District of the Indian Territory, at Ardmore, December 22nd, 1897, in Court case number 185, and that you appeared before this Commission as an applicant for enrollment as an intermarried Chocta, December 29th, 1899, and at that time you were listed for enrollment by this Commission as a doubtful Choctaw. The Commission has not yet passed upon the rights of applicants to enrollment in these two nations, but contemplates doing so in the near future, and until then no decision can be given in your case.

G.W.D.

You state that no number was given you or your wife at the time of your enrollment, and request that such a number be furnished you. The Commission is unable to understand what you desire by this request. There can be no certification of enrollment, necessary to this Commission until the rolls have been finally passed upon and forwarded to the Secretary of the Interior for his action.

Yours truly,

Acting Chairman.

In reply refer to this letter,
address only to S.R.645

Muskogee, Indian Territory, July 25, 1900.

Mr. C. W. Davis,

Davis, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 21st, in which you ask to be informed if your citizenship and that of your wife is all clear, or if any further steps are necessary to be taken on your part to entitle you to allotment of land when the Land Office is opened at Atoka, September 1st. You state that you were married to your wife according to Chickasaw law, and were enrolled by this Commission last December at Muskogee.

In reply to your letter, you are advised that your wife, Ira Burks, was, on September 23rd, 1898, listed for enrollment as a Choctaw by this Commission, pursuant to a judgment of the United States Court in the Indian Territory at Ardmore, rendered December 22nd, 1897, in court case Number 123. On December 29th, 1899, you appeared before the Commission in Muskogee and were listed for enrollment but your final right to enrollment as a citizen of the Choctaw Nation has not yet been passed upon, and until then, no decision can be rendered in your case. No person whose right to final enrollment has not been passed on will be permitted to make preliminary selection of his homestead allotment when the Land Office is opened in the Choctaw Nation.

7-D-545

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 1, 1900.

Mr. C. W. Davis,

Davis, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 28th, in which you ask when and by whom your right to enrollment will be passed upon, and you inquire what further steps, if any, are necessary to be taken by you in behalf of your application for enrollment.

You are advised that the Commission anticipates passing upon the rights of those listed for enrollment, in the near future, and copies of decisions rendered in these cases will be mailed to the applicants.

As to what further steps are necessary, if any, to be taken on your part, you are advised that if anything further is necessary to enable the Commission to determine whether you are entitled to enrollment, you will be so notified.

Yours truly,

7-D545

Acting Chairman.

Muskogee, Indian Territory, December 6, 1909.

C. W. Davis,

Davis, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in which you desire the Commission to advise you if there is any question about your right or your wife's right to enrollment as citizens of the Choctaw Nation.

You also state in your letter thatyou have a son you wish to have enrolled, and inquire whether or not you must come to Atoka to have his name placed on the roll.

You are informed that the records of this Commission show that Ira Burks, seventeen years of age, the daughter of Burton S. Burks was listed for enrollment by this Commission September 23rd 1898, as a Choctaw, in pursuance of a judgment rendered by the United States Court for the Southern District of the Indian Territory at Ardmore, December 22nd, 1897, in court case No. 123 , and that you appeared before this Commission as an applicant for enrollment as an intermarried citizen of the Choctaw Nation, December 29th, 1899, having been married to Ira Burks, and at that time you were listed for enrollment by this Commission as a doubtful claimant to citizenship in the Choctaw Nation. The Commission has not yet passed upon your rights to enrollment as an intermarried citizen of the Choctaw Nation, but contemplates doing so, soon after the appointment of the Commission at Atoka, Indian Territory.

There is enclosed you herewith, a blank application for the enrollment of an infant child, upon which you be given all

C W D E

the [illegible] necessary for the enrollment of your [illegible]. In
having the [illegible] be careful to see that all blanks are
properly filled [illegible] and in the event either
the mother or [illegible] physician or nurse [illegible] is the
birth of the [illegible] are unable to write and [illegible]
by mark, that such signatures are attested by two disinterested
persons as witnesses thereto. The Notary Public taking the
acknowledgments of the mother and attending physician or nurse
must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

Acting Chairman.

C-D [illegible]
[illegible]

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

T-D-845.

Muskogee, Indian Territory, August 16, 1904.

Charley W. Davis,

Davis, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Maude Cotton.

Record transferred to
Chautauqua card * 257

D 547

Nellie L. Pittman

Record transferred to
Photo card #5209

C 345

Milton Pat.

Record transferred to Choctaw card #4405

9 349

Chock Marshall.

Record Transferred to
Choctaw card # 4335

D. 550

Eunice B. Daniel

Record transferred to
Photo card #4194.

D. 551

Victor V. Harrison

Record transferred to
Choctaw card # 4112

D. 552

Luther H. Gunter.

Recnd transferred to
Choctaw card #3524.

S 558

John P. Reese

Record transferred to
Choctaw card #3408

D. 554

Le Roy C. Le Flore.

Record transferred to
Choctaw card # 2574

D.555

Puck S. H Lit

Record transferred to
Choctaw card # 762

D 558

Ida D. Costilow

Record transferred to
Chochuca card. #505

J. 557

Kalites May Tubby

Record transferred to
Choctaw card # 355

D 558

Mary R. Bryant.

Record transferred to
Choctaw card #3873

D. 550

Ruth Folsom

Record transferred to
Chestnut card #2237

D. 330

Mattie B. Locke.

Record transferred to
Chestnut card #1735

CHESTER D. FULL

Walter L. Dillard

Dismissed
Jan. 19, 1965

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of
Walter L. Dillard,
7-D-561.

20

IN RE

Application for Enrollment of

INFANT CHILD.

Walter L. Dillard

As a citizen of the

Choctaw Nation.

Approved December 4th 1899.

A S McKennon

Commissioner.

6-11

20

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Walter L. Dillard, born on the 30 day of Nov., 1899.
Name of father: Robert L Dillard, a citizen of the Choctaw Nation.
Name of mother: Dora D Dillard, a citizen of the Choctaw Nation.
Post Office: Aramore

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
So District.

I, Dora D Dillard, on oath, state that I am 20 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Robert L Dillard who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on the 30 day of Nov, 1899; that said child has been named Walter L Dillard, and is now living.

Dora D. Dillard

Subscribed and sworn to before me this 2 day of Dec, 1899

Leslie V Mullen
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, D. P. McDonnell, a Physician, on oath, state that I attended on Mrs. Dora D Dillard wife of Robert L Dillard on the 30 day of Nov, 1899; that there was born to her on said date a male child; that said child is now living and is said to have been named Walter L Dillard

Dr D. P. McDonnell.

Subscribed and sworn to before me this 2 day of December, 1899.

Leslie V Mullen
Notary Public.

7-D-561.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Valter L. Dillard for enrollment as a citizen by blood of the Choctaw Nation.

--oOo--

The applicant, Valter L. Dillard, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father, Robert L. Dillard.

The right of the applicant's father, Robert L. Dillard, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of January 20, 1904, in case number 43 upon the South McAlester docket of said Court, it is hereby ordered that the application of Valter L. Dillard for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

JAN 19 1905

COPY.

Choctaw D 561

Muskogee, Indian Territory, January 19, 1905.

Walter L. Dillard,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of this Commission, dated January 19, 1905, dismissing your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Chairman.

Registered.

Incl. 7-D-561.

COPY. Choctaw 3-661.

Muskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated January 19, 1905, dismissing the application for the enrollment of Walter L. Dillard as a citizen by blood of the Choctaw Nation.

Respectfully,

Tams Bixby
CHAIRMAN

Incl. 3-B-661.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAR 1905

Return to writer if unclaimed.

10

Valter L. Dillard,

#430
430

ARDMORE, IND. T.
MAR 20 1905
REGISTERED.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED
JAN 23 1905
MUSKOGEE, IND. TER.

MAR 3 1905

ARDMORE, IND. T.
JAN
24
1905
REGISTERED

D 562

Ella Pearl Plummer

Record transferred to
Choctaw card #4049

D. 563

Ben. F. Ervin

Record transferred to

CHOCTAW. # 5804

D. 584

David C. Crabtree.

Record transferred to Choctaw card # 3347

Choctaw D 365

Samuel R. Fisher

Dismissed

Oct. 25, 1904

U.S.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

SAMUEL R. FISHER 7-D-565.

D 565

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, April 23, 1900.

In the matter of the application of Samuel R. Fisher for enrollment as an intermarried Choctaw.

S. R. Fisher, having been duly sworn by Commissioner McKennon, testifies as follows:

Q What is your name? A Samuel R. Fisher.

Q What is your age? A I am thirty three.

Q Where have you been living? A Pauls Valley in the Chickasaw Nation.

Q How long have you lived there? A Five years.

Q Five years continuously? A Yes sir.

Q Where did you marry your wife? A At Ardmore.

Q She was admitted by the United States Court? A Yes sir.

Q Was she? A I think not.

See Choctaw Court Card 5066.

Q You present here a license purporting to have been issued September 18, 1899 by Scott Hawkins, County and Probate Judge of Pishemingo County in the Chickasaw Nation. This license was issued on that date was it? A Yes sir.

Q You present a certificate of marriage, March 18, 1900, that is correct, is it? A Yes sir.

Q Were you ever married to her before? A No sir.

Q How is it the license is issued so long before your marriage?

A On account of sickness.

Q Whose sickness? A Hers and that of her mother; her mother's sickness postponed it for that day and then she was sick.

Commissioner: Place him upon a white card.

Mr. Hopkins:

Q What is the name of your father? A Bartley G. Fisher.

Q Is he a white man? A Yes sir.

Q What is your mother's name? A Allie J. Fisher.

Q Is she a white woman? A Yes sir.

Q Are they living, both of them. Father is not.

Q Your mother is living? A Yes sir.

LICENSE.

Nebo, I. T. Sept 7 1899

Office of County and Probate
Judge of Tishomingo County.
Chickasaw Nation.

I, Scott Hawkins, County and Probate Judge of Tishomingo County, Chickasaw Nation, in the name and by the authority of law in me vested do this day issue license to Mr. Samuel A. Fisher, a citizen of the United States To Marry ~~Miss~~ Lizzie West, a citizen of the Chickasaw Nation. In accordance with the requirements of law in relation to marriages.

Given Under My Hand and Seal of Office, this, the 18 day of Sept. 1899.

Scott Hawkins Judge County and Probate Judge Tishomingo County, C. N.

Recorded March 24th 1900 Book B. on page 27

Edward Turner
Clerk of Tishomingo Co. C. N.

W. F. WHITTINGTON, Proprietor

WHITTINGTON HOTEL

Ardmore, I. T., 1900.

This is to certify that I did on March 18th 1900 unite in marriage at the Whittington Hotel, Ardmore I.T. Samuel R Fisher and Carrie Witt.

J M Gross

Pastor of Broadway M.E. church, South Ardmore I.T.

My credentials are recorded in Book "A" Page 286

Recorded March 24th, 1900. Book 3. Page 248. Edward Turner, Clerk of Pickens Co. C.N.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-565.

Muskogee, Indian Territory, March 5, 1902.

Samuel R. Fisher,

Pauls Valley, Indian Territory.

You are hereby notified that the application of yourself for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Samuel R. Fisher for enrollment as a citizen by intermarriage of the Choctaw Nation.	D.565

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Samuel R. Fisher for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on April 14, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Shellwood
Notary Public.

CUN
Dtd

7-D-565.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Samuel R. Fisher as a citizen by intermarriage of the Choctaw Nation.

---O---

The applicant, Samuel R. Fisher, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Carrie Witt. The right of the applicant's wife, Carrie Witt, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on May 4, 1904, in case number 4 upon the Tishomingo docket of said court, it is hereby ordered that the application of Samuel R. Fisher for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,
OCT 25 1904

Choctaw D 565

COPY.

Muskogee, Indian Territory, October 25, 1904.

Samuel R. Fisher,

Pauls Valley, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-565

Choctaw D 565

COPY.

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 25, 1904, dismissing the application of Samuel R. Fisher for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. 7-D-565.

Choctaw D 565.

Muskogee, Indian Territory, March 26, 1903.

Samuel R. Fisher,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, stating that you have made application for enrollment in the Choctaw Nation and that your name appears on Choctaw card D 565.

In reply to your letter you are advised that it appears from our records that Samuel R. Fisher made application to this Commission for enrollment in the Choctaw Nation by virtue of his marriage to Carrie Witt, who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 21,1898, in court case, citizenship docket, Number 109. On December 17,1902, the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 19 02,vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations. TheCommission is, therefore, without jurisdiction in this matter.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 21, 1900.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 18th instant in which you desire to be informed as to the number of the card upon which S. R. Fisher is listed for enrollment as a citizen by intermarriage of the Choctaw Nation, his post-office address and the name of the woman through whom he claims, and in which you request that his name be included on your list of cases contested.

You are informed that the records of this Commission show that Samuel R. Fisher, 33 years of age, of Panola Valley, Indian Territory, is listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, his name appearing on Choctaw roll card, field No. D-565,; he claims his right to enrollment through his wife Carrie Fisher, nee Witt.

Yours truly,

Acting Chairman.

Choctaw D 565

Muskogee, Indian Territory, April 23, 1902.

Saml R . Fisher,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be advised what action was taken by the Commission in the matter of your application for citizenship in the Choctaw Nation at the hearing at Muskogee, Indian Territory, on the 14th instant.

Replying to your inquiry you are advised that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on April 14, 1902, the matter of the application of Samuel R. Fisher for enrollment as a citizen of the Choctaw Nation, was called for final consideration by the Commission and no appearance was made by or on behalf of the applicant or on behalf of the Choctaw Nation by its legal representatives.

The Commission now considering this case closed, will as early as practicable render its decision upon the rights of Samuel R. Fisher to enrollment as a citizen by intermarriage of the Choctaw Nation and in the event that such decision is unfavorable to you, you will be duly advised thereof and notified of the

forwarding of the record to the Secretary of the Interior for his review.

We can express no opinion relative to the advisability of you taking up land in the Choctaw-Chickasaw country for yourself and family as your prospective allotments.

The Commission is at this time preparing rolls of the citizens of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior for his approval and the allotment of the lands of these two tribes will be made upon the rolls so approved.

Until the final approval by the Secretary of the Interior of the enrollment of yourself and wife as citizens of the Choctaw Nation, the Commission can render no statement or issue a certificate as to your final enrollment.

Yours truly,

Commissioner in Charge.

Choctaw D 865

Muskogee, Indian Territory, January 31, 1905.

Samuel R. Fisher,

Byars, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, asking for the return of your marriage license and certificate.

In reply to your letter you are informed that it is not deemed advisable at this time to return the marriage license and certificate between S. R. Fisher and Carrie West and it is therefore impracticable to comply with your request.

If you a desire a certified copy of the same it will be forwarded you upon request.

Respectfully,

Chairman.

Choctaw D-566

Louina Jackson

D-566

Lorina Jackson

CANCELLED

Applicant died prior to the ratification of the Choctaw-Chickasaw agreement on Sept. 25, 1902.

COMMISSIONERS.
Thos. B. Cravens,
Tams Bixby,
Archibald S. McKennon,
Frederick A. Maxwell,
Leslie M. Shaw,
Tarlton D. Sims, Secretary.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 8, 1900.

Mr. Wiley Moon,

Weweka, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 1st, in which you make statement as to your wife, Louisa Jackson, and say that she is dead.

The Commission now desires further information as to her cousin, Mary Jackson, who appeared for enrollment before this Commission with her. Can you furnish the Commission with Mary Jackson's present post office address, or any other information that may lead to the Commission being placed in communication with her? There is inclosed herewith an envelope for reply which needs no postage.

Yours truly,

Acting Chairman.

Env.

In reply to this letter
please refer to Choctaw D 566

CHOCTAW

567

Mary Jackson

CANCELLED

and transferred to Choctaw card # 5260, October 30, 1905.

CHOCTAW D 563

Henry W. Marcum
et al.

Records transferred to

CHOCTAW # 584

Choctaw D-220
Mary Pritchard et al

Dismissed
May 27, 1904

D-559

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o--

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

Becca Pritchard, et al., 7-D-569.

----o----

Commission to the Five Civilized Tribes,
Atoka, I. T., June 6, 1900.
Choctaw D 900

In the matter of the application of Mary Pritchard for enrollment as a Choctaw; being sworn and examined by Commissioner Bixby she testifies as follows:

Q Do you apply as a Choctaw or a Chickasaw? A Choctaw.
Q By blood? A Yes sir.
Q What is your name? A Mary Pritchard.
Q What is your age? A Thirty-four.
Q What is your post-office address? A Wapanuka.
Q Are yu a Choctaw? A Yes sir.
Q You make application for enrollment as a Choctaw by blood under this judgment? A Yes sir.
Q What is the name of your father? A Robert Marrs.
Q Is he living? A No sir.
Q Was he a citizen of the United States? A Yes sir.
Q What is the name of your mother? A Jane Marrs.
Q Is she living? A Yes sir.
Q Is she on the Choctaw roll? A Yes sir.
Q You don't know that of your own knowledge do you? A Nosir. She has had all of the business fixed up, I don't know.
Q Do you know what county your mother claims to belong to, in the Choctaw Nation? A No sir, I don't know.
Q What county in the Choctaw Nation do you claim to belong to? A Central County.
Q How long have you lived in the Indian Territory? A About eleven years.
Q Have you lived here continuously for eleven years? A Nosir, not all the time.
Q How much of the time have you lived here? A We had so much sickness that we traveled around a right smart.
Q How much of the time for the last eleven years have you lived in the Territory? A All except a year or two I believe, we traveled for our health.
Q What year was that you was out of the Territory? A Last year
Q When did you come back to the Territory, what day? A The 15th day of April I believe.
Q What year? A This year.
Q How long had you been gone? A We left the last of January about a year ago for our health, we was all sick and had to travel for our health.
Q How did you travel? A In a wagon.
Q Where did you go? A First one place and another; staid up here at Boggy a while, and around.
Q Was it in the Indian Territory or outside? A We went outside before we quit.
Q Where did you go? A To Texas.
Q How long were you in Texas? A We were traveling around there first one place and another.
Q Wasn't you gone about two years? A No sir.
Q You remember the date upon which you reached Texas? A Nosir, I was down sick part of the time; camped up and couldn't travel.
Q Have you ever been enrolled by the Choctaw Tribal authorities that you know of? A I have never been before myself.
Q You don't know anything about it do you, really? A Nosir.
Q You applied to the Dawes Commission in the case of Jane Marrs as Choctaw Nation did you? A Yes sir.
Q Were you admitted? A No rejected by the Dawes Commission.
Q I was sick and wasn't here at the time the rest of them was.

Q. Where were you? A We was traveling around for our health; we was in Texas then.
Q. You mean to say that it is beneficial to a person's health to travel around in a wagon in this country? A Yes sir, we was sick and couldn't get our health, and we went to Texas.
Q. You don't know of your own knowledge whether you were admitted by the Dawes Commission or refused? A Yes sir. I was admitted the same as the rest of them.
Q. This is a judgment of the United States Court.- I am talking about the Dawes Commission? A No sir, I don't know.
Q. You were out of the Territory at that time? A Yes sir.
Q. Weren't you out of the Territory for a number of year years at that time, prior to 1896? A No sir.
Q. Were you in the Territory on June 28th 1898? A Yes sir.
Q. You are quite certain of that are you? A Yes sir, I was here in 1896.
Q. Have you any children under twenty-one years of age and unmarried
A Yes sir.
Q. Give their names and ages? A Flora Pritchard, thirteen years old, John Pritchard, ten yearsold; Dennie Pritchard, eight yearsold; Jane Pritchard, five yearsold. I have two children since we were admitted, Beena Pritchard, born 7th of April 1897; Icy Pritchard, born 19th day of March 1900.

Examined by Chectaw Attorney Cornish:

Q. When was the first time you were over in Texas? A I was principally there until we came here eleven yearsago.
Q. When you came to the Territory eleven years ago how long did you stay here? A We staid several years, but I disremember exactly how long.
Q. After you came to the Territory eleven years ago in what year did you go back to Texas? A We went back to Texas in 1899 I believe.
Q. Were you not in Texas between the time you came here eleven years ago and 1899, were you not in Texas at all during that time?
A I believe we were out there on a visit.
Q. Didn't you state awhile ago that you were in Texas travelling for your health when your application was made in 1896? A I meant when we all went to register I was there sick and couldn't come.
Q. I asked you, when you came to the Territory eleven years ago when was the next time you went back to Texas? A I disremember, but we were here in 1897, I know that.
Q. You said that you were in Texas in 1896, then you were in Texas in 1896,- you stated awhile ago that you were in Texas traveling for your health in a wagon when your application was made in 1896, is that true? A Yes sir.
Q. You were in Texas in 1896 , that is true is it? A Yessir.
Q. How long did you stay in Texas on that trip without coming back to the Indian Territory, how long did you remain in Texas at that time? A We came back in July, 1897.
Q. Then you say you were in Texas in 1896, you remained in Texas until July 1897 did you? A Yes sir.
Q. What did your husband do in Texas then? A He knocked around and worked.
Q. Did he make a crop on a farm while he was there? A Nosir.
Q. Did he work for somebody on a farm? A Yes sir.
Q. You came back to the Territory in 1897? A Yes sir.
Q. How long did you remain in the Territory after you came back in 1897? A We staid here until a year ago this January.
Q. Did you live in the Territory continuously without going to Texas or anywhere else for a minute, an hour or a year, did you

live in the Territory continuously from the time you came here in 1897 until you went back to Texas in 1899? A Yessir.
Q Where did you live? A Up on Rock Creek.
Q What did your husbandde? A He had a farm there.
Q What time did you go back to Texas the last time? A It was the last of January 1898 I think. This is 1900: It was last January a year ago, that would make it 1899.
Q Then is thisyour testimony: that you were in the Indian Territory without going anywhere else from July 1897 to January 1899?
A Yes sir.
Q And you went to Texas in January 1899 and remained there until this last April? A Yes sir.
Q Do you know Alex Hamilton? A Yes sir.
Q Is he relatbdto you? A No sir, he is related to one of my sisters.
Q What is his relationship to one of your sisters? A Brother-in-law.
Q Does he have knowledge of your movements back and forth to the Indian Territory? A I don't know.

Jane Marrs being sworn and examined by Com'r Bixby, testifies:

Q What is your name? Jane Marrs.
Q How old are you? A I couldn't tell exactly, but it is somewhere near 64.
Q What is your post-office address? A Indianola, I.T.
Q Do you live at Indianola I. T.? A Yes sir, that is my home when I am at home.
Q You are the Jane Marrs who applied to the Dawes Commission in 1896 and was admitted by the United States Court? A Yessir.
Q You are the head of the case? A Yes sir.
Q Do you know Mary Pritchard? A Yes sir, she is my daughter.
Q You have already been enrolled by this Commission? A Yessir.
Q Was your testimony taken? A Yes sir, I was sworn before the Commission.
Q How long have you lived in the Indian Territory? A I have been out here nearly thirteen years, in the Indian Territory
Q Have you been here continuously that long? A Yes, never been out of it since.
Q Do you know anything about the residence of your daughter, Mary Pritchard? A She lived up here at present at Wapanuka.
Q How long has she lived there? A Since this April.
Q Where did she live before that? A She lived here until about the last of January or the first of February, ~~[illegible]~~ about a year ago, and they traveled a good deal for their health; I got letters from her at different points and she was in Texas.
Q Prior to the time she went traveling in a wagon where did they live? A No particular places, just traveling.
Q Were they in the Indian Territory or in Texas? A In Texas some and in the Indian Territory some.
Q How much has she been in Texas in the last three years? A It ain't been three years; they was in the Nation here.
Q During the past ten years how much has Mary lived in the Indian Territory? A I couldn't tell just how much. I have not thought about that, just how much it was.
Q Was Mary here on June 28th 1896? A Yes, I think she was.
Q Was she here in 1896, at the time you made application to the Dawes Commission? A I think so, I couldn't say, for certain.
Q You must know where she was when you made that application?
A She wasn't present.
Q Where was she? A I wouldn't swear to that, because they have been to so many places I couldn't testify.
Q Isn't it a matter of fact that she has been out of the Territory most of the time for the past ten years? A She has been out a

good deal.
Q Most of the time? A No.
Q Did she ever attempt to make a farm in the Indian Territory?
A Yes sir.
Q Where? A About four miles from Indianola.
Q When did she commence there? A I reckon it has been two years, about 1897 I expect it was.
Q What were they doing in the Indian Territory for the six or eight or nine years preceding 1897? A Her man farmed one year, and one year he worked around Lehigh about the mines.
Q Most of the time he worked for somebody else? A He never put in no farm until I think it was the latter part of 1896 or 1897.
Q You didn't calculate that you were an Indian until you were admitted by the United States Court? A We had land before then.
Q As Choctaws? A Yes sir.
Q Were you recognized by the Choctaw authorities? A Our case was in the Court and we got papers from the court that we could hold land.
Q Have you got the papers with you? A No sir.

Examinedby Choctaw Attorney Cornish:
Q When did your daughter first go to Texas on this moving for her health? A She was here two years and went back.
Q My question is when did she first go to Texas, was it in 1896, 1895, 1894 or 1893, when was it? A I couldn't hardly say.
Q Was she in Texas when the application was made to the Dawes Commission ? A I couldn't say.
Q Did she remove from Texas to the Territory in 1897? A She came before that I guess, she camein 1896.
Q What did her husband do when she removed to theIndian Territory at that time? A They got a farm.
Q Where? A On Rock Creek.
Q Did he move right on that farm? A Yes sir.
Q How long did he live on that farm? A About eighteen months, without living anywhere else.
Q Can you fix the date when he wenton that farm? A No.
Q You think it was in 1896? A Yes sir.
Q In the fall or Aspring of 1896? A He went on there late in the fall, I don't know for certain whether it was 1896 or 1897.
Q Give it just as nearly as you can? A I cannot tell exactly for I don't remember.
Q You don't know whether it was in 1896 or1897? A No.
Q Was it in the spring? A It was in the fall of the year.
Q It was in the fall;they lived on that farm eighteen months?
A Eighteen months or two years, some thing that way.
Q Then they moved back to Texas? A Yes sir.
Q After being on that farm? A Yes sir.
Q How many crops did he make on that farm? A Made two.
Q Give just as nearly as you can the date when he left that farm and moved back to Texas? A I cannot tell the date, but it was about the last of January or the first of February.
Q Of what year? A One year after this past January.
Q You said awhile ago with absolute positiveness and correctness that she was here June 28th 1898? A Yes sir.
Q State how it is that you stated that with accuracy and correctness while in regard to all these other dates you cannot state?
A Why, I am certain of that.
Q How is it that you fixedthe day of the month and the year of that date, and you cannot tell all of these other dates? I know she was here at that time.
Q Can you statepositively that she was in the Indian Territory on the 28th day of June 1898? A I wont say she was, positive, but I believe she was.

Mary Pritchard #5 (Jake Harris witness #3)

Examined by Choctaw Commissioner Simon Lewis:

Q Did she make a crop there last year? A No sir.
Q They were gone when you registered at Canadian? A Yessir.
Q What year was it she made a crop there, 1898 wasn't it? A Yes sir.
Q Was she there the time I made out a list of names for you, on that farm? A Yes sir.

(Here Judges Simon Lewis states that the time to which he refers in hislast question was in 1896.)

Mary Pritchard, being re-called, testifies:

Examined by Choctaw Attorney Cornish:

Q You states with reference to the time you moved to Texas and came back to the Territory and moved to Texas again and comeback to the Indian Territory again that you couldn't state these dates exactly? A No sir I cannot remember these dates except the last one.
Q How is it that you are certain that you were in the Indian Territory on the 28th day of June 1898, how is it you fixed that date with absolute accuracy, and cannot remember these others?
A Because we had so much sickness and trouble in our family.
Q Do you know that the fixing of June 28th 1898 is a very important element in your case; do you know whether or not that is an important date in this suit? A No sir.

(Choctaw D 569)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony in the above case, and that the foregoingis a full, true and complete transcript of his stenographic notes in said case.

M D Green

Subscribed and sworn to before me this 7 day of June 1906.

Act'g Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JUNE 6, 1900.
Choctaw D 569

In the matter of the application for enrollment of Mary Pritchard, et al. as citizens of the Choctaw Nation.

James Marrs, being first duly sworn by Acting Chairman Bixby, testifies as follows:

Examined by Acting Chairman Bixby.

Q What is your name? A Marrs, is my name, James Marrs.
Q What is your age? A I am 33.
Q What is your post office address? A My post office address now is Hickory, Chickasaw Nation.
Q Indian Territory? A Yes sir.
Q Have you been enrolled as a Chickasaw? A No sir, my children is enrolled as Choctaws.
Q You are not enrolled at all? A No sir.
Q You don't claim to be Chickasaw or Choctaw? A No sir, I am on the intermarried list.
I want to state that Mary Pritchard is a sister to those that is ~~xxxxxxx~~ enrolled on the Choctaw list, and that she was duly admitted by the court.
Commission: We would have admitted that.
Q How long was she here when she first come and when did she go away?
A I could not tell the exact time, how long she was away, but it was not very long.

Examined by Henry Byington.

Q Do you know in what year she come here? A Why not exactly, but she has been here since she first come here is eleven years ago.
Q To the Choctaw Nation? A Yes sir. Eleven years ago is when they ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ come here.
Q Have they lived here all the time? A She come here with that intention of making this her home but they have been away some on account of sickness, traveling on account of their health.
Commission: How do you know what their intentions were? A She told me so; that is how I know.
Q Do you know how long she has been back here, back in the Nation?
A The last time? Q Yes.
A. Why not exactly; she has been in and out several trips you know.
Q She has not been out of the Nation to make her permanent home elsewhere, has she? A No sir, she has had no permanent home elsewhere at all.

Examined by Mr. Cornish.

Q You state that you testified as to what she told you. You have got her intentions from what she told you?
A What I stated a while ago? A Yes sir.
Q You have no personal knowledge of these facts? A The only knowledge you have of these transactions is what she told you? A Not all of it.
Q You simply state that her intention was to be away on account of her health? A Yes sir.
Q Then all the testimony you have given this morning is what she told you? A Yes sir.

Atoka, I.T.
June 6, 1900.

In the matter of the application for enrollment of Mary Pritchard, et al. for enrollment as citizens of the Choctaw Nation. Choctaw D 569.

Martin B. Pritchard, being first duly sworn by Acting Chairman Bixby, testifies as follows:

Examined by Acting Chairman Bixby.

Q What is your name? A Pritchard.
Q Well, what is your first name? A H. B. Pritchard. Hardin Pritchard
Q How old are you? A I am 42 years old.
Q What is your post office address? A My post office is Wapanucka.
Q Indian Territory? A Yes sir.
Q Are you a citizen of the Choctaw Nation? A No sir.
Q You are a United States citizen? A Yes sir, I am not no citizen of the Choctaw Nation.
Q Are you the husband of Mary Pritchard? A Yes sir.

Examined by Byington.

Q Do you remember in what year you come to the Choctaw Nation?
A No sir, I don't remember the year we came here.
Q How long has it been? A We have been here --- we came here in 1896 I have been here ever since 1896 as a permanent home; '96 if I remember right.
Q Was your wife here at the time she made application for citizenship to the Dawes Commission? A Yes sir.
Q She was here at the time she was admitted by the court? A Yes sir.
Q You went away on some account, sickness-- A We went away on account of our health, we was sick, me and her both; we travelled.
Q When did you come back? A We came back, it was this last April past.
Q You didn't move away from this nation and make your permanent home in the states? A No we had no settled place; we stopped, had no certain place for any length of time.

Cross Examined by Mr. Cornish, Attorney for the Choctaw and Chickasaw Nations.

Q Did you hear your wife testify yesterday? A No sir.
Q You were not here? A No sir.
Q About how many years ago did you first live here? A About 11 years ago we first came here; then we left and travelled some.
Q When you came here eleven years ago, how long did you stay here?
A We stayed here working over the territory about four years or maybe five.
Q Then where did you go? A We went back to Texas on a visit.
Q Now what year was that? A I disremember now.
Q About what year? A It was in '98 I believe. About '98 I believe.
Q You mean to say that you lived in the Territory from eleven years ago until '98 without moving away? A No.
Q Now, how long did you live in the Territory without going anywhere else? A About three years .
Q Where did you go? A We made the trip on a visit?
Q Where did you go? A Went to Delta County Texas on a visit.
Q How long did you stay? A Something near three weeks.
Q Then where did you go? A We came back tothe Territory.
Q How long did you stay when you came back to the Territory? A We stayed until '99.
Q Until '99? A Yes sir. since
Q Do you mean to say that ~~xxxx~~ you came to the Territory eleven years ago, you have been in the Territory except the three weeks you spent in Delta County Texas? A Yes sir.
Q Then you did not come back in '96 and stay there until sometime in '97 and then go back there ~~xxxxx~~ last April? A No sir.

Q Then it is not a fact that you came to the Indian Territory from Texas sometime in 1896 and remained here and made two crops and then went back to Texas in the latter part of 1897 and remained there until last April? A Yes sir.
Q You stated a while ago that the only residence in Texas that you had from the time you came to the Territory eleven years ago was the three weeks? A The first visit we made down there--
Q Now how was it , how much time have you spent in Texas in these last eleven years? A We have spent about thirteen months as far as I can remember.
Q When did you go to Texas this last stime? We started-- we left Rock Creek in the latter part of January was a year ago and we come back then we travelled for our health, we come back this last April.
Q Then you went to Texas a year ago from this last January, and stayed until this last April. Something was said about your having improved a farm up here in the Choctaw Nation? A Itraded for it from John Nail.
Q When was that? A I disremember the exact date.
Q Well now, if you can't fix the date, I am certain the Commission cant.
A In 1898 I think it was.
Q In 1898, what time in 1898? A It was in the fall of 1898.
Q Then it was not in 1896 that you bought the farm. You did not hear your wife's testimony? No sir.
Q Her testimony was that in 1896 or 1897 you bought a farm and made two crops on it? How many crops did you make? A Two crops I think.
Q Now you say you acquired the farm in 1898 and made two crops?
A I think it was only one; no, it is two.
Q Now you ~~xxxxxx~~ acquired the farm in 1898 and made two crops. Then you made a crop on that farm the crop season of 1898 and the crop season of 1899? A Yes sir.
~~Q Now how are you going to harmonize with the statement that you made a crop on the farm in 1898 and in 1899 with the statement that you went to Texas a year ago last January and stayed there until last April? A You got me bothered.~~
Q Now how are you going to harmonize with the statement that you made a crop on the farm in 1898 and in 1899 with the statement that you went to Texas a year ago last January and stayed there until last April? A You got me bothered.
Q Well I didn't want to get you bothered.
A It was in 1897; I told you '98, but it was in 1897 that I traded for this place.
Q Then it was in 1897 that you traded for this place? A Yes sir.
Judge Lewis.
Q Was not you living there in Rock Creek when your mother in law made that first application? A I was living at Hamilton, Judd Hamilton's at that time.

Anna Bell, being first duly sworn, says that as stenographer to the Commission to the five Civilized Tribes, she reported in full the testimony in the above matter, and that the above and foregoing is a true and complete transcript of her stenographic notes in the above cause.

Anna Bell

Subscribed and sworn to before me this 11th day of June, 1900.

Acting Chairman.

DBD

7-D-569.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of Becca Pritchard and Icy Pritchard as citizens by blood of the Choctaw Nation.

----o----

The applicants, Becca Pritchard and Icy Pritchard, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Mary Pritchard. The right of the applicants' mother, Mary Pritchard, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 28, 1904, in case No. 109, upon the South McAlester docket of said court, it is hereby ordered that the application of Becca Pritchard and Icy Pritchard for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 27

7 D- 569.

COPY!

Muskogee, Indian Territory, June 8, 1904.

Mary Pritchard,

Wagoneka, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as citizens by blood of the Choctaw Nation of Susan Pritchard and Ivy Pritchard.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7- D. 569.

7- D- 885.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Rosco Pritchard, and Ivy Pritchard.

Respectfully,

Tams Bixby,
Chairman.

Registered.

Incl. 7- D- 885.

See Choctaw R- 650 for registry receipt for this letter.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Mary Pritchard for the enrollment of herself and her six minor children, Flora Pritchard, John Pritchard, Dennie Pritchard, Jane Pritchard, Beena Pritchard and Ley Pritchard as citizens of the Choctaw Nation.	D-869.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were also notified by registered mail that the application of Mary Pritchard for the enrollment of herself and her children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Notary Public.

Form No. 302.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss:

IN THE UNITED STATES COURT in the Indian Territory, CENTRAL District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 19th day of January, A. D. 189[illegible]; Present, the Honorable Emil. F. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

Jane Marrs #88

vs.

Choctaw Nation.

[illegible] Tandy Hamilton [illegible] by their attorney, [illegible] to reform the judgment heretofore entered in this cause and for a nunc pro tunc entry herein; and the court being well and sufficiently advised in the premises doth find that by a clerical error the name of Tandy Hamilton was erroneously entered in said judgment and that he was not party to this suit and that the court had no jurisdiction of his person. Therefore it is ordered by the court that said judgment heretofore entered be reformed, by striking out the name of Tandy Hamilton wherever occur therein by clerical error and that said judgment be entered now for the 25th day of August 1897 and that it read as follows to-wit:

Jane Marrs et al vs. Choctaw Nation.

Judgment.

This cause came on to be heard on this the 25th day of August A.D. 1897 in open court, whereupon both plaintiffs and defendants announced ready for trial and the court having heard the evidence in the case and argument of counsel, and the same being submitted to the court for judgment herein. The court finds that the plaintiff, Jane Marrs, a female 61 years old, Margaret Marrs, Ellen Allerson, [illegible] Pritchard, Julia Hamilton, Samuel Marrs, Thomas Marrs and John Marrs are all citizens and members of the Choctaw Tribe and Nation by blood and as such are entitled to all the rights, privileges, immunities and benefits of citizens and members by blood of the Choctaw Nation and Tribe of Indians: That Clara Belle Marrs, Em K. Marrs, James Marrs and Rachel Marrs, children of Margaret Marrs, one of the above named plaintiffs

United States of America,
INDIAN TERRITORY,
..... DISTRICT. } *ss:*

I, ..., Clerk of the District Court of the United States for the ..... District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the ..... day of ....., 189 , as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in ....., in said District, this ..... day of ....., A. D. 189

....., *Clerk,*

By ....., *Deputy.*

No. .....

versus

.....

.....

COPY OF ORDER OF COURT.

....., *Clerk,*

By ....., *Deputy.*

7—308

No. 88

Jane Morris et al.

versus

Choctaw Nation

COPY OF ORDER OF COURT.

....., *Clerk,*

By ....., *Deputy.*

7—345

FILED
JUN 5 1900
COMMISSION TO FIVE TRIBES

Form No. 303.

COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY. } ss:

DISTRICT.

IN THE UNITED STATES COURT in the Indian Territory, ... District,

at a term thereof begun and held at ....., in the Indian

Territory, on the ..... day of ....., A. D. 189 ;

Present, the Honorable ....., Judge of said Court.

The following order was made and entered of record, to wit:

[illegible] and [illegible] with, children of [illegible], one of the above named plaintiffs; (that [illegible] Pritchard, [illegible] Pritchard, [illegible] Pritchard, [illegible] Pritchard, children of [illegible] Pritchard) one of the above named plaintiffs; that Dolan Jay Hamilton child of [illegible] Hamilton one of the above named plaintiffs, that [illegible] Harris, child of [illegible] Harris, one of the above named plaintiffs are all members and citizens of the Choctaw Nation and Tribe of Indians by blood and as such are entitled to all the rights privileges, immunities and benefits of citizens and members by blood of the Choctaw Tribe of Indians and Nation.

It is therefore ordered, [illegible] ordered that the above named plaintiffs, all and each of them be admitted to and granted all the rights, privileges, immunities and benefits of citizens, by blood of the Choctaw Nation; that each of their names be placed upon the local citizenship rolls of the Choctaw Nation by blood, by the Commission to the Five Civilized Tribes, and that the clerk transmit to said Commission, certified copy of judgment in this case, and [illegible] that said Commission place the names of the above named plaintiffs upon the rolls as herein adjudged and that the plaintiffs have and recover of and from the defendant in their costs herein [illegible] all of which let execution issue.

United States of America,

INDIAN TERRITORY ss:

Central DISTRICT

I, [illegible] Clerk of the District Court of the United States for the [illegible] District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 11th day of [illegible], 189[illegible], as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Muskogee in said District, this 9th day of April A. D. ~~189~~ 1900

[illegible], Clerk.

By [illegible], Deputy.

(COPY)

UNITED STATES OF AMERICA.)
INDIAN TERRITORY.)
CENTRAL DISTRICT.)

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of January, 1898, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in So. McAlester, in said District, this 26th day of April, A. D. 1900.

E. J. Fannin, Clerk.
By I. M. Dodge, Deputy.

(SEAL)

FILED
Jun 5 1900
COMMISSION TO FIVE TRIBES.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDENTHICK
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-569.

Muskogee, Indian Territory, March 5, 1902.

Mary Pritchard,

Wapanucka, Indian Territory.

You are hereby notified that the application of yourself and your five minor children, Flora, John, Dennie, Jane, Becca and Icy for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. NEEDLES,

Commissioner in Charge.

Muscogee, Indian Territory,

August 18th, 1900.

Mary Pritchard,

Wapanucka, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McCurtain, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Flora, John, Bennie, Jane, Becca and Icy Pritchard as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be given an opportunity to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-503.

Muskogee, Indian Territory, July 28, 1903.

Mary Pritchard,

c/o Jane Moore,

Wapanucka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you desire to be informed if your name appears upon the rolls of the citizens of the Choctaw Nation.

Replying to your inquiry, you are informed that it appears from our records that at Atoka, Indian Territory, on June 8, 1900, you made application for the enrollment of yourself and your six minor children, Flora, John, Bennie, Jane, Bessie and Icy Pritchard, as citizens by blood of the Choctaw Nation, and offered in evidence at that time a judgment of the United States Court for the Central District of the Indian Territory, of January 19, 1898, admitting you and your children to citizenship in the Choctaw Nation.

The testimony in this case shows that a question was raised by representatives of the Choctaw Nation at the time of your appearance, as to your compliance with the provision of the 21st Section of the Act of Congress of June 28, 1898, which provides as follows:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Mr. Perry.

At the time of your application the Commission was not fully satisfied as to this question of residence, and for that reason placed the names of yourself and your children upon the doubtful list of applicants to enrollment of the Chester Nation. No further notice has been taken since that time.

Should you now desire to offer any additional testimony in support of the application of yourself and children as citizens of the Chester Nation, such witnesses as you may desire to present will be heard upon their personal appearance at the office of the Commission at Muskogee, I. T. Notice of the taking of such testimony must first, however, be served upon Kennedy Mansfield, McMurray & Cornish, attorneys for the Chester Nation, South McAlester, Indian Territory.

Yours truly,

Acting Chairman.

T.B.P. 909

Choctaw D 569

Muskogee, Indian Territory, April 11, 1902.

Mary Prichard,

Wapanucka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, stating that you will not appear before the Commission on April 14, 1902, and that you have no money to employ an attorney.

Our communication of March 5, 1902, was merely to notify you that the application for your enrollment and the enrollment of your minor children would be taken up by the Commission for final consideration at its office at Muskogee, Indian Territory, on April 14, 1902, at which time you might appear before the Commission in person or by attorney when an opportunity would be given you to introduce any additional testimony which you might think necessary or proper.

Yours truly,

Commissioner in Charge.

MEMORANDA

(Date) June 5 1900

34 Name Mary Pritchard

Choctaw? yes County Choctaw Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

~~Pritchard~~ County ..... Year ..... Page ..... No. .....

13 Flora ~~Pritchard~~ County ..... Year ..... Page ..... No. .....

10 John Pritchard County ..... Year ..... Page ..... No. .....

8 Benin County ..... Year ..... Page ..... No. .....

5 Jane County ..... Year ..... Page ..... No. .....

3 Beulah County ..... Year ..... Page ..... No. .....

2 m. 3 cy County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

Choctaw D-570
Caroline Edwards

D-570

See also Choctaw R-498

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Caroline Edwards, (nee Coins) as a Choctaw being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Caroline Edwards

Q How old are you? A Forty.

Q Where have you been living? A In the Choctaw Nation.

Q How long? A I have been there about twenty-two years.

Q All the while? A Yes sir.

Q Been living here all the while have you? A Yes sir.

Q Haven't lived anywhere else during that time? A No sir, I have been in the Choctaw Nation, in McAlester.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M O'Green

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5, 1900.
Choctaw D 570

In the matter of the application of Caroline Edwards for enrollment as a citizen of the Choctaw Nation; being sworn and examined by Commissioner Bixby she testified as follows:

Q What is your name? A Caroline Edwards.
Examined by Choctaw Att'y Cornish:

Q What is the name of your husband? A Frank Edwards.
Q How long have you been married to him? A Since 1882.
Q Your application for citizenship was filed with the Dawes Commission in 1896 as Caroline Coins was it not? A Yes sir.
Q You claim to be the person designated as Caroline Coins in the application in the application to the Dawes Commission and in the judgment of the United States Court? A Yes sir.
Q At the time this application was made your name was Caroline Edwards? A Yes sir.
Q Your name is now Caroline Edwards? A Yes sir.
Q How long have you lived in the Choctaw Nation? A Twenty-two years, about.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M D Green

Subscribed and sworn to before me this 7 day of June 1900.

Act'g Chairman.

Muskogee, Indian Territory, November 8, 1901.

Caroline Edwards,

Ireton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, giving the reasons why your children were not included in the original application made to this Commission under the Act of Congress of June 10, 1896.

Yours truly,

Acting Chairman.

9-B-570.

Choctaw D 570

Muskogee, Indian Territory, April 25, 1903.

Caroline Edwards,
Ireton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 20, in which you ask if you would be permitted to make a temporary filing at this time.

In reply to your letter you are advised that it appears from our records that you were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 21, 1897, in court case Number 127.

You are further advised that under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making allotment to those persons whose claims to citizenship are dependent upon judgments of the United States Courts in Indian Territory, until their rights to such citizenship are finally determined.

You are informed, however, that the Commission will endeavor to protect the property interests of so-called court claimants, and will not allot the lands on which they have improvements, not in

* * *

[illegible] of [illegible], without regard to [illegible] of applications having been made therefor, and they will be permitted to institute contest proceedings for the [illegible] upon their said improvements [illegible] locations.

For your information there is inclosed you herewith a copy of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, and your attention is especially directed to sections fifteen and sixteen.

Respectfully,

Chairman.

Rules for allotment.

MEMORANDA.

(Date) July 18 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

76 / Wife's name, Caroline Edwards

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? yes Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

/ Admitted as Caroline Goins

Co to residence see Ley testimony

~~D 580~~

D 570

William S. Owens

Record transferred to
Choctaw card # 3525

CHOCTAW

D. 57

Samuel S Burris

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 7382

CHOCTAW D 573

Lizzie Rogers.

Record transferred to

CHOCTAW #5865

Charged [illegible]

Missing [illegible]

Discharged
Sept. 16, 1944

See also Choc. D-6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nationof:

MARY MAY TIDWELL 7-D-574.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 12, 1900. Choc D574

In the matter of the application of Mary May Tidwell for enrollment as an intermarried Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Mary May Tidwell.
Q What is your age? A Twenty-two.
Q What is your post-office address? A Johnson I.T.
Q How long have you lived in the Indian Territory? A Since last September.
Q September 1899? A September 1898.
Q Do you claim to be an intermarried citizen of the ~~Choctaw~~ Chickasaw Nation? A Choctaw Nation.
Q What is the name of your husband? A John William Tidwell.
Q When did you marry him? A July 20th 1898.
Q Where? A Pottawatomie County, Oklahoma.
Q Under what law were you married? A United States.
Q Have you your marriage license and certificate?
A Yes sir.
(Marriage ~~certificate~~ certificate presented)
Q This is your marriage certificate? A Yes sir.
Q Wasn't there a license required in Oklahoma? A No sir.
(Marriage certificate offered and placed on file.)
Q Do you know whether a marriage license is required in Oklahoma?
A No sir, I do not.
Q You didn't procure any did you? A No sir, I did not.
Q What is the name of your father? A Daniel ~~McKerracher~~ McKerracher.
Q Is he a white man? A Yes sir.
Q He does not claim to be an Indian? A No sir.
Q What is the name of your mother? A Belle McKerracher.
Q Is she a white woman? A Yes sir.
Q Doesn't claim any Indian citizenship? A No sir.
Q How did your husband become a citizen of the Choctaw Nation, do you know? A No sir, I couldn't tell.
Q You don't know whether he has always been recognized by the Choctaw Tribal authorities, or whether he was admitted by a judgment of the Dawes Commission or by the United States Court or what? A No sir, I couldn't tell you that.

Record examined: Choctaw Citizenship 1896 Docket, "C", Choctaw case 1301, John H. Tidwell vs Choctaw Nation. Original application filed September 8th 1896; answer ~~filed~~ of the Choctaw Nation filed; application denied by the Dawes Commission on December 8th 1896; appealed to the United States Court and the judgment was reversed as to fifteen people, including John William Tidwell.

Q Where did you live before you came to the Indian Territory?
A In Oklahoma.
Q Was your husband living there when you married him?
A Yes sir.
Q When did you say the marriage took place? A July 20th 1898
Q Is there any additional statement that you desire to make in regard to your case? A No sir, I believe not.

John William Tidwell being sworn and examined by Act'g Chairman Bixby testifies as follows:

Q What is your name? A John William Tidwell.
Q What is your age? A Twenty-four.
Q Where do you live? A Johnson, I. T.
Q Where did you live on the 20th day of July, 1898?
A Lived on the line of the Pot. country, close to Oklahoma, I reckon you would call it in the Seminole country; I was working

there; I lived in this country, but I was up there at work at the time I was married.
Q What was yourpost-office at that time? A Neal was my post-office at that time, Neal Oklahoma.
Q How longhad you lived in Oklahoma? A I hadn't never lived in Oklahoma; I lived in the Seminole Nation, right on the line at the time.
Q Had you ever lived in the Choctaw Nation prior to the 26th day of July 1898? A I never lived in the Choctaw; I had been living in the Chickasaw for the last twenty years.
Q How long had you been living up in the Seminole country? A About six months I guess, in the neighborhood there, I don't remember exactly what time.

Examined by Choc-Chic attorney Cornish:

Q Where did your father live at that time? A At that time he was living at Shawnee, Oklahoma.
Q He was living in Oklahoma? A Yes sir.
Q What business was he in? A He was there for schooling his children.
Q His family was living there? A Yes sir.
Q When did you first come to the Chickasaw Nation? A I dis-remember.
Q When did you leave the Seminole? A I lived in the Chickasaw Nation in 1894 I believe it was.
Q Did you live inthe Chickasaw Nation since 1894? A Oh yes.
Q Did you lived in the Chickasaw Nation continuously until 1894?
A Yes sir.
Q Where did you go? A To the Seminole Nation. And staid about a month. Then came back to the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation when you came back
A I don't remember exactly how long.
Q Where were you during the year 1898? A I was in the Seminole Nation.
Q All of that year? A No sir, not all of the year?
Q Where were you the otherpart of the year? A Down here at Johnson and Purdy.
Q Were you workingin the Seminole Nation? A Yes sir.
Q On a farm by the month? A Yes sir
Q Where did you live at that time? A I lived at Purdy on Rush Creek in the Chickasaw Nation.
Q That was your permanent home at that time? A Yes sir.
Q That was at the time you were married? A Yes sir.
Q Why did you claim that as your permanent home?
A Because I had a place there, and had always lived there fourteen years, and lived there on Beef Creek about twenty years, little upward.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full true and complete transcript of his stenographic notestaken in said case.

M D Green

Subscribed and sworn to before me this 13 day of July 1900.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Mary May Tidwell for enrollment as a citizen by blood of the Choctaw Nation.	D-574.

On the 5th day of March, 1902, the applicant was notified by registered mail; and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Mary May Tidwell for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called failed to appear either in person or by attorney.

---:---

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Hellwood
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-874.

Muskogee, Indian Territory, March 4, 1902.

Mary May Tidwell,

Johnson, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

Register.

COMMISSIONERS.

HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKEEVER,
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 12 1900
COMMISSION TO [illegible]

7Ne574.

MARRIAGE CERTIFICATE.

TERRITORY OF OKLAHOMA, } ss.
POTTAWATOMIE COUNTY,

TO THE PROBATE JUDGE OF POTTAWATOMIE COUNTY:

This certifies that on the 20 day of July A. D. 1898, at Tecumseh in said County, according to law and by authority, I duly joined in marriage Mr. J. W. Tidwell and Miss Morris McCharacter and there were present as witnesses John and Mattie Jennings

Given under my hand the 20 day of July A. D. 1898.

Witnesses { John Jennings
Mrs Mattie Jennings

Parties { J W Tidwell
Morris McCharacter

J D Jennings Probate Judge

*Names in full; and must be signed at bottom by the parties and witnesses.

7-D-574.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of Mary May Tidwell as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Mary May Tidwell, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one John W. Tidwell. The right of the applicant's husband, John W. Tidwell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 56 upon the Tishomingo docket of said court, it is hereby ordered that the application of Mary May Tidwell for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

SEP 15 1904

Choctaw D 574

COPY.

Muskogee, Indian Territory, September 16, 1904.

Mary May Tidwell,

Johnson, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of Commission to the five Civilized Tribes, dated September 16, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-3 574.

Choctaw D 574

COPY.

Muskogee, Indian Territory, September 18, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of Mary May Tidwell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Encl. 7- D - 574.

Muskogee, Indian Territory,
August, 18th 1900.

Mary D. Tidwell,
Johnson, Indian Territory,

Dear Madam,-

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollemtn as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold atsession at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in support of your application, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-574.

7-D-674.

Muskogee, Indian Territory, August 16, 1904.

Mary May Tidwell,
Johnson, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-D-574

Muskogee, Indian Territory, September 22, 1904.

Mrs. M. Tidwell,

Byars, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, requesting information relative to the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

It appears from our records that Mary May Tidwell claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation, by reason of her marriage to one John W. Tidwell, whose right to citizenship in the Choctaw Nation was adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 56 upon the Tishomingo Docket of said court, and on September 15, 1904, the Commission ordered that the application of Mary May Tidwell, for enrollment as a citizen by intermarriage of the Choctaw Nation, be dismissed.

Respectfully,

Chairman.

JD

MEMORANDA.

(Date) June 12, 1900.

Name Mary May Tidwell. (22) Johnston, I. T.

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes.

Married under what law? .....

License filed this day. .....

Wife's name. .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? (Husband) John W. Tidwell.

License filed this day .....

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Daniel Mc Kerracher, (father)
Belle Mc Kerracher (~~mother~~)

Jones

Record transferred to
Choctaw card #D 593

8 576

Jessie May Cooper

Record transferred to
Choctaw card #R 39.

D. 577

James A Parks, et al.

Records transferred to Choctaw cards #5159 and #R 7/3.

CHOCTAW D 578

Chapling Scott.

Record transferred to Choctaw card #5797.

D. 579

Mary V Holland

Record transferred to
Choctaw card # 3566

Choctaw D-500

George W. Hinkle

CHOCTAW No. 38

George H. Kindle

DISM

Dec 6 choctaw #5156

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

GEORGE W. HINKLE 7-D-580.

----o----

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 20th, 1906.

Choc. D 520

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of George W. Hinkle. Being duly sworn:

Q What is your name? A George W. Hinkle.
Q What is your age? A Twenty six years of age.
Q What is your post-office address? A Ada.
Q Where is Ada? A In the Chickasaw Nation, Indian Territory.
Q Do you live at Ada? A I live 4 miles north of Ada in the Indian Territory.
Q How long have you lived there? A Two years.
Q How long have you lived in the Indian Territory? A Thirteen years.
Q Have you lived here continuously for the last thirteen years.
Q Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A No sir.
Q What is your father's name? A David Hinkle.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Hinkle.
Q Is she living? A Yes sir.
Q Your parents both white people? A Yes sir.
Q Never made any claims to Indian citizenship? A No sir.
Q You are a white man? A Yes sir.
Q Did you ever make any claim to Indian citizenship by blood?
A No sir I am a white man.
Q You now make application as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is your wife's name? A Kansas Hinkle.
Q What was her maiden name? A Kansas Morris.
Q What was her father's name? A I could not tell you. He has been dead a good while.
Q You don't know what his name was? A His name was Morris.
Q You don't know what his given name was? A No sir, I don't.
Q Do you know what your wife's mother's name was? A No sir.
Q Is she living? A No sir.
Q How old is your wife? A 24 years old.
Q Where does she live? A She lives four miles north of Ada in the Indian Territory.
Q How did she become a citizen of the Choctaw Nation? A By blood.
Q When did she become a citizen, When was she first recognized by the Choctaw authorities or by the authorities of the United States as a citizen of the Choctaw Nation? A I can't tell you that.

The records of the Commission examined and the name of Kansas Morris the wife of this applicant, found on Choctaw roll card Field No. 5146, having been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District, Indian Territory, at Ardmore, Indian Territory, December 21st, 1897 in court cause No. 187.

Q When were you married ? A The 13th day of June, if I am not mistaken.
Q What year? A 1900.
Q Where were you married? A Four miles north of Ada in the Indian Territory.
Q In the Chickasaw Nation? A Yes sir.
Q Your wife has always been a resident of the Chickasaw Nation? A No sir.

George W. Hinkle 2 ------

Q How long has she resided in the Chickasaw Nation? A I can't tell you that for certain but I think five years.

Q You states that you had resided in the Chickasaw Nation for thirteen years, didn't you? A Yes sir.

Q Were you married in accordance with the laws of the Chickasaw Nation? A Yes sir.

Q Have you any evidence of that marriage? Marriage license and certificate? A Yes sir, I have got them.

Marriage license and certificate of George W. Hinkle and Emmma Harris offered in evidence, marked exhibit A, identified as such filed and made a part of the record in this case.

Q Who issued you this license? A Judge Simon Wolf.

Q How much did you pay for this license? A Fifty dollars.

Q When did you obtain it. A I cant tell you the date. It is on there.

Q Did you state when you procured this license? A No sir, I don't remember the day it was the 1st of June.

Q After the first of June 1900? A Yes sir. It was in June, 1900.

An act of the Chickasaw Legislature passed November 3rd, 1899 and approved by the Governor of the Nation on the same date and by the President of the United States December 16th, 1900, on which date it became effective, provides that on and after the passage of that act that Section One of the act of October 19th, 1876 as amended by the Act of September 24th, 1897 entitled, " An Act requiring all non-citizens to remain in the Chickasaw Nation for a period of two years before they can procure a license to marry a citizen of that Nation" be amended so as to read as follows: " Section One. That before a non-citizen can procure a license to marry a citizen of this Nation he or shechall be of good moral character and industrious habits and shall reside in the county for a period of two years immediately preceding such application and shall be recommended by ten good, representative citizens by blood of this Nation and such citizens shall certify that the applicant is of good moral character and industrious habits and resided in the county where such license is sought to be secured two years immediately preceding such application and the County Judge being satisfied with the petition shall grant the license to marry under the existing law and the person so applying for such marriage license shall pay the sum of one thousand dollars, five of which shall be retained by the County Judge issuing such license and nine hundred and ninety five collars shall be placed in the national treasury of the Nation for national purposes and that this act take effect from and after its passage and approval by the President of the United States.

Q The marriage license thatyou present, having been issued by Simon Wolfe the county and probate judge of Pontotoc County, C. N. was issued without authority of law? A How come he to do that do you suppose.

Q That is something we can't go into. We are not responsible for the acts of the Chickasaw Nation. Is there any additional statement you desire to make? A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation, will be based upon your oral testimony and such written testimony as you have submitted in support of that application at this time and the decision of the Commission will be mailed to you in writing at your present post-office address.

Myra Young, being duly sworn, states that as stenographer to the Commission to the five civilized Tribes, she reported the

[illegible]

[illegible]

Merrill House

[illegible] 26 day of July [illegible]

I hereby certify that the foregoing marriage license and marriage certificate of Geo H Hickle and Eleanor Morris are recorded by me this the June 20th 1900 in book C on page 98

Attest Sam Smotherby Clerk

Pontotoc Co C.N.

FILED
JUL 20 1900
COMMISSION TO FIVE TRIBES.

Ada, Indian Ter., 1900

Pontotoc Chickasaw Nation

By authority in me vested by Law I Simon Wolf do this issue Marriage License to George. W Hinkle a United States Citizen to Marry Leanoa Morris a Choctaw Citizen by blood

Simon Wolf
County & Probate Judge
Pontotoc County Chickasaw
Nation

this the 13th June 1900

[illegible]

Filed on the 17th day of June 1900
[illegible] the [illegible] [illegible]
[illegible] Parties they [illegible]
is recorded on Page 159 In the
Southern District at Ardmore
I.T.

[illegible]

C 61

7-D-580.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of George W. Hinkle as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

The applicant, George W. Hinkle, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Kansas Hinkle, formerly Morris. The right of the applicant's wife, Kansas Hinkle, formerly Morris, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 31 upon the Tishomingo docket of said court, itis hereby ordered that the application of George W. Hinkle for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

SEP 19 1904

Choctaw-D-580.

COPY)

Muskogee, Indian Territory, September 12, 1904.

George W. Hinkle,

Ada, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 10, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Inc. 7-D-580.

COPY. Choctaw-D-580.

Muskogee, Indian Territory, September 12, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 10, 1904, dismissing the application for the enrollment of George W. Hinkle, as a citizen by blood of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Inc. 7-D-580.

Dbb

7-D-680.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of George W. Hinkle as a citizen by intermarriage of the Choctaw Nation.

—: D E C I S I O N :—

The applicant, George W. Hinkle, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Kansas Hinkle, formerly Morris. The right of the applicant's wife, Kansas Hinkle, formerly Morris, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 31 upon the Tishomingo docket of said court, it is hereby ordered that the application of George W. Hinkle for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,
SEP 10 1904

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

George W. Hinkle,

Ada, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby

Acting Chairman.

7-D-580.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

George W. Hinkle,

Ada, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the insufficiency of your marriage according to the Choctaw Laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tams Bixby.
Acting Chairman.

7-D-580

Choctaw-D-580.

Muskogee, Indian Territory, June 23, 1904.

R. S. Floyd,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 17th, in which you ask whether George Hinkle is an applicant for enrollment of the Choctaw or Chickasaw Nation and if so whether he has been enrolled.

In reply to your letter, you are informed that it appears from our records that George W. Hinkle is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming his right thereto by reason of his marriage to Kansas Morris, whose case is now pending before the Choctaw and Chickasaw Citizenship Court. Under the provisions of the act of Congress approved July 1, 1902, the Commission is prohibited from enrolling or making any allotment of lands in the Choctaw and Chickasaw Nations to persons, whose citizenship is dependent upon judgments of United States Courts in the Indian Territory, until their right to such citizenship is finally determined.

Respectfully,

Commissioner in Charge.

CHOCTAW.

[redacted]

Place on CHOCTAW doubtful card.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 20 1900

ACTING CHAIRMAN.

Aug. 20. 1900.

George W. Hunter, 26.

Wg. Ind. Ser.

Father, Samuel Hunter, Penn

Mother, Mary Ann [redacted]

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
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MUSKOGEE, IND. TER.

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George W. Rinkle,

~~Ada, Indian Territory,~~

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Choctaw D-582

James S. Wheeler et al

D-582

CHOCTA # 10. 582

James S. Wheeler et al
See Petition # CW-23.

RECEIVED
ATTORNEY CHOCTAW AND CHICKASAW NATIONS.

COPY OF DECISION FORWARDED
ATTORNEY

See Choctaw R 471

COPY OF DECISION FORWARDED
APPLICANT

RECORD FORWARDED DEPARTMENT.

James S. and Lucretia N. Wheeler
transferred to Choctaw jacket
5812, Oct. 31, 1904.

ACTION
SECRETARY

NOTICE OF ACTION
FORWARDED

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 16, 1900.

In the matter of the application for enrollment as intermarried citizens of the Choctaw Nation of James S. Wheeler and his wife Nancy Lucretia Wheeler, and their two minor children Bessie Edna and James Ernest Wheeler as citizens of the Choctaw Nation. James S. Wheeler being duly sworn:

Q What is your name? A James Sebastian Wheeler.
Q What is your age? A Fifty.
Q What is your postoffice address? A Wheeler.
Q Indian Territory? A Yes sir, Chickasaw Nation.
Q Do you live at Wheeler? A Yes sir.
Q Your wife and family live with you at Wheel-r? A Yes sir.
Q That is the only residence you have? A Yes sir.
Q How long have you lived there? A 11 years I believe.
Q Have you lived there continuously for the past eleven years?
A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A Not to live. I was working for the court and would go to Paris and back with prisoners.
Q You have never maintained a residence any where else except in the Indian Territory? A No sir.
Q What is your father's name? A William Wheeler.
Q Is he living? A No sir he died just after the war.
Q What is your mother's name? A Ruthie Wheeler.
Q Is she living? A No sir she is dead.
Q Both of your parents were white people? A My father always said he had Indian blood. I can remember him talking about his having Indian blood in his veins. He come from Mississippi out here.
Q Do you claim to have any Choctaw blood in your veins? A No sir.
Q How much Choctaw blood did your father claim? A I don't recollect. He just used to devil us, tell us we had Indian blood. That is what he would tell us, say we were Indian children and laugh at us.
Q You claim your right to enrollment at this time by reason of your marriage to a Choctaw Indian woman? A Yes sir.
Q What was her name? A Mary Goforth.
Q She was a recognized citizen of the Choctaw Nation? A Yes sir she was nearly a full blood.
Q Is her name on any of the tribal rolls of the Choctaw Nation?
A She has been dead since 1871.
Q When did you marry her? A Along in August of 1869.
Q In Comanche county close to Goodland in the Choctaw Nation.
Q Did you marry her in accordance with the laws of the Choctaw Nation? A Yes sir we was married the same as other people there. Judge Cole he married us.
Q Have you any evidence of your marriage to her? A No sir I have no papers. We were burned out at Skullyville some years and all the papers I had were destroyed.
Q Did you have any children by Mary Goforth? A No sir.
Q How long did you live together as man and wife? A Just a little over a year and she died.

Q When did she die? A in 1870.
Q After that time you married a white woman? A Yes sir.
Q What was her name? A Her name was Lou Willis when I married her.
Q She is your present wife? A Yes sir.
Q When did you marry her? About ten years ago. I believe te or eleven years ago. I don't recollect the date. The First day of March 1890.
Q Were you married to her in accordance with the laws of the Choctaw Nation? A We were married in the Chickasaw Nation.
Q According to the Choctaw law? A That was all the way of marrying I knew of then.
Q Did you obtain a license from the Chickasaw authorities?
A No sir.
Q Have you and evidence of that marriage that you desire to present to this Commission? A This here.

The certificate of William M. Williams to the marriage of James Wheeler and N. L. Willis, March 1st, 1890 offered in evidence marked Exhibit A, identified as such, filed and made a part of the records in this case.

Q This is the only evidence you have of your marriage to N. L. Willis? A Yes sir.
Q How was it when you were married to Mrs. Willis that you did not obtain a Chickasaw license? A We were both citizens. She was an intermarried citizen and I had always been an inter-married citizen and that is the reason we did not have to have any license to marry. We married just the same as two full blood Indians. Just go to a preacher and get married. That is the way every body did at that time.
Q Mrs. Willis when you married her claimed to be an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Prior to her marriage to you she was married to a Choctaw Indian?
A Yes sir.
Q What was his name? A Abner Willis.
Q Was he recognized as a Choctaw Indian by the Choctaw tribal authorities? A Yes sir. Her son is on the Choctaw rolls.
Q When was she married to Abner Willis? A I don't remember. There is the certificate of the marriage. April 24th, 1878.
Q Have you any evidence of that marriage of your wife and Abner Willis that you desire to present in evidence? A The certificate. Nothing but that.

The certificate of I. I. Gardner to the marriage of Abner Willis and Lou May offered in evidence, marked exhibit B, identified as such, filed and made a part of the records in this case.

Q What is your wife's father's name? A Her father's name was Samuel May.
Q Is he living? A No sir he is dead.
Q What was your wife's mother's name? A Nancy May.
Q Is she living? A No sir she is dead.
Q At the time of your wife's former marriage to Abner Willis she had never made any claim to Indian citizenship by blood? A No sir.

Q Her parents were both white people? A Yes sir.
Q How long did your wife and Abner Willis live together as man and wife? A Ten years. Nine or ten years I think.
Q Did they have any children by that marriage? A Three. Only one is living.
Q One child living by that marriage? A Yes sir.
Q Has that child ever been recognized by the authorities of the Choctaw Nation or by this Commission as a Choctaw Indian? A Yes sir.
Q What is his name? A Ed, Eddie Willis.

The records of the Commission examined and the name of Edward Willis, eighteen years of age, the son of Abner Willis and Lou May Willis found on Choctaw Roll Card Field No. 240.

Q This Edward Willis is the son of your present wife? A Yes sir.
Q How long did you wife and Abner Willis live together? A As well as I remember I think she tells me about ten years. It may be a little over.
Q Is he living? A Yes sir. He is a married man too.
Q They separated then? A Yes sir.
Q Were they divorced? A Yes sir.
Q Have you any record of the divorce proceedings in the case?
A No sir. Iwrote to him and he wrote back to me before I left home about it and he said he would send it to me but never did.

The records of the Commission examined and the name of Abner N. Willis, 45 years of age, found on Choctaw Roll card Field No. 3463.

Q You state that Abner Willis and your present wife lived together for ten years from 1878? A I could not be positive of the time. I think that is what she tells me that they lived together nine or ten years.
Q When were they divorced? A I don't remember.
Q You were married to her in 1890? A Yes sir.
Q How long had she been divorced when you married her? A could not tell. I don't know at all.
Q How long did you know her prior to your marriage to her?
A I have known her ever since she was a little girl. Ever since she was as young as that little girl of mine.
Q You knew her when she was living with Abner Willis? A Yes sir.
Q You stated she lived with Abner Willis ten years after their marriage? A That is what she tells me.
Q If they were married in 1878 and lived together ten years that would be 1888 and you were married to her in 1890. Two years after that. A Yes sir about two years.
Q Did you know her prior to your marriage to her? A Yes sir.
Q And she was then, living with Abner Willis? A Yes sir they was living there and taking care of some stock of mine when I was working on the Frisco road.
Q You don't know the date the divorce was granted? A No sir I could not say positive.
Q About when? A I could not say. I haven't got any written statement about it.

Q About when was it? A I don't recollect what year it was. In fact I never studied about it. Never thought nothing about it until I got to writing about it.
Q Have you any children under twenty one years of age and unmarried?
A Yes sir.
Q Do you desire to make application for them? A Yes sir.
Q What do you claim them to be? A I claim them to be citizens here of the country like we are, of the Choctaw Nation.
Q They are not citizens by blood? A No sir.
Q They are both children of two white persons? A Yes sir.
Q Having no Indian blood? A Yes sir.
Q What are their names and ages? A Bessie Edna Wheeler. She is four years old.
Q The next one? A James Ernest Wheeler.
Q How old. A About a year and a half old.
Q Both of these children live with you at your home? A Yes sir.
Q You are the father of both of them? A Yes sir.
Q Lucretia Wheeler is the mother of both of them? A Yes sir, she is the mother of both.
Q Is there any additional statement you want to make in regard to your application? A No sir except the evidence I have.
Q Do you desire to file the written evidence with the Commission for its consideration? A Yes sir.

Nancy Lucretia Wheeler being duly sworn:

Q What is your name? A Lou Wheeler.
Q What is your age? A 42 years.
Q What is your post office address? A Wheeler.
Q You are the present wife of James Wheeler who has just testified?
A Yes sir.
Q Your father and mother are both white people? A Yes sir.
Q You were married on April 24th 1878 to Abner Wheeler a Choctaw Indian? A Yes sir.
Q Were you married to him in accordance with the laws of the Choctaw Nation? A Yes sir.

The evidence of the marriage filed with the records in this case.

Q How long did you live with Abner Willis as his wife? A Most ten years. I don't think the ten years was hardly up.
Q He is living? A Yes sir.
Q You separated from him? A No sir there was no separation. He left me.
Q He deserted you? A He just got up and left me.
Q Give a full statement of his leaving you. A We moved down on the River and were living close to my brother down there-
Q How long did you live together after you were married? What year was this? You were married in 1878. Then you lived together as man and wife for how long? A For nine years or over.
Q Then this trouble never began for nine years after you were married? A Oh yes, it began in a year. There was no trouble. He just did not support me. We never lived in any rackets. We lived peacable while we lived together and parted peacable.

Q Go ahead and make as full a statement as you can? A He said he could not make a living for me. He said for me to go to Missouri to my people and I said, No I knew he could make a living for me. Other men made livings for their wives and I was no harder to keep than other woman and I was willing to do everything I could to help him and he said there was nothing he could do and he would not work in the summer time. He was too fleshy, said he could not stand it. In the winter he worked a little. I made the support what time I lived with him myself. I said I was getting tired of it and he got up and left me.

Q When was it he left you? A I don't know hardly what year that would be in. I don't know whether I had lived with him nine year or ten year. He was out for about three weeks and I did not know whether he would come back to me or not. My brother wanted me to move down where he was and I said I did not see how I could and he said I would have to get some one to move me and I hired Mr. Wheeler and gave him a horse to move me up to my brother's place.

Q You were divorced from Abner Willis? A Yes sir, got a divorce.

Q Who instituted the divorce? A He got the divorce unknown to me.

Q How long was this after your separation? A I don't know. I didn't know nothing about it until he had done got it. I didn't know they could get divorces that way until they gave him a divorce unknown to me.

Q Was that before a Choctaw Court? A Yes sir I guess it was. Well I know it was nearly. It could not went to the United States courts I suppose.

Q You don't know the date the divorce was granted? A No I don't.

Q How long after you had knowledge of the fact that you were divorced from Abner Willis was it until you married Mr. Wheeler?

A It was a year.

Q Then the divorce was granted some time in 1888 or 1889? A I could not tell you when it was. I can write and get it though. Get a copy of it. We may have a copy of it at home now.

Q You are now married to James S. Wheeler? A Yes sir.

Q You are the mother of the two children, Bessie Edna and James Ernest Wheeler? A Yes sir.

Q Is there any additional statement you desire to make in regard to your case? A No sir, I reckon not.

Q Are there any papers that either you or Mr. Wheeler desire to file with the Commission in support of the application of yourself and husband and your two children? A I have an attorney here that has the papers. I would like to introduce them in evidence.

Has the papers. I would like to introduce them in evidence.

Mr. P. B. Hopkins: We desire to introduce in evidence the affidavit of R. L. Vaughn as to his acquaintance with Abner Willis and Lou Willis during the time they lived together as man and wife and as to their separation. Also affidavit of Thompson Pickens, a full blood Chickasaw Indian as to the Marriage of James Wheeler with Mary Goforth. Also desire to introduce the following affidavits which were forwarded to the Commission and afterwards returned to the applicants through Ledbetter & Bledsoe, attorneys at Ardmore, Indian Territory because of lack of personal appearance on the part of Mrs. M. L. or Lou Wheeler, said affidavits being as follows:

Affifavit of Mrs. Lou Wheeler. Affidavit of E. H. Willis, son of Mrs. Lou Wheeler. Affidavit of A. Nichols. Affidavit of C. H. Heald. Affidavit of James Wheeler, applicant in the case. Affidavit of Arther Alexander.

The above mentioned papers marked exhibit C, identified as such, filed and made a part of the records in this case.

P. B. Hopkins: With reference to the intermarriage of these applicants with Indian citizens, the contention of the applicants is: That James Wheeler was married to Mary Goforth in 1878 prior to the enactment of a Choctaw marriage law requiring marriage licenses to be issued by Choctaw authorities and that they were married as all Choctaws by blood and all Choctaws with white people were married at that time. Further, that there is no law in the Choctaw Nation now, neither has there been at any time in the past, requiring a license to be procured from the Choctaw authorities for the marriage of a white person or citizen of the United States to a Choctaw Indian by blood and that the marriage certificate of any minister of the Gospel or duly authorized official of the Nation or of the United States is all that is required for the marriage of a non- citizen woman to a Choctaw man.

Permission is granted applicants to file additional written evidence in this case within fifteen days of the date hereof.

The decision of the Commission as to the application that you make on behalf of yourself and your wife for enrollment as intermarried citizens of the Choctaw Nation and on behalf of your two minor children for enrollment as Choctaws will be based upon your oral testimony given before the Commission at this time and such written evidence as you have now submitted in support of your application or may submit inside of the fifteen days time limit specified above and the decision of the Commission will be mailed to you in writing at your present post office address sometime within the near future.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

Myra Young

Sworn to and subscribed before me this 14 day of August 1900.

Tams Bixby
Acting Chairman.

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton.

Subscribed and sworn to before me this 24th day of May, 1906.

Walter W. Chappell
Notary Public.

Bessie E. Wheeler et al, petitioners.

vs.

Choctaw and Chickasaw Nations, defendants.

I, Thos. Norman, do solemnly swear that I served a true and correct, perfect and literal copy of the petition in the above styled case of Bessie E. Wheeler et al, to which this affidavit is attached, on Mansfield, McMurray and Cornish, on January 19, 1906, be registering said copy to them addressed to them at South McAlester, I. T., on said date, and the registry receipt hereto attached was issued on said registration.

Thos. Norman

Subscribed and sworn to before me this January 20, 1906.

(SEAL)

H. P. Stanum
Notary Public.

(Registry Receipt Attached.)

Department of the Interior,

Commissioner to the Five Civilized Tribes.

. . . . . .

Bessie E. Wheeler, et al, petitioners,	)	
	)	
vs.	)	Petition for identification and enrollment.
	)	
Choctaw and Chickasaw Nation,	)	
Defendants.	)	

Come now petitioners, Bessie E. Wheeler and James E. Wheeler, minors, by and through their mother, Lucretia N. Sanders, nee Wheeler, and respectfully state that they and each of them are citizens of the Choctaw Nation, and entitled to be identified and enrolled as citizens of said Nation, and to the enjoyment of all the rights, priviliges and immunities enjoyed by any other citizen of that nation.

As grounds therefor, they allege that their mother, a white woman whose maiden name was Lucretia N. May, on or about the 17th day of April 1879 married Abner Willis, a citizen of the Choctaw Nation by blood in accordance with the laws of the Choctaw Nation, in the Choctaw Nation and while both of them were residents thereof; that on or about the 20th day of August 1892, she was legally divorced from said Abner Willis in the Courts of said Nation.

Further, they state that their father, James S. Wheeler, a white man, on or about the _____ day of _____ 1869, in the Choctaw Nation, married a citizen of that Nation by blood named Mary Go Forth, in accordance with the laws of that Nation, and that his said wife died on or about the _____ day of _____ 1870.

They sate further, that their mother, by her said Marriage to said Abner Willis, and their father, by his said Marriage to the

said Mary Go Forth, then and there, each of them became citizens of the Choctaw Nation by marriage; that they were residents of said nation at that time, and that they have continued to be residents of either the Choctaw or Chickasaw Nations allways since then, and to be citizens thereof at all times since then.

That after the death of the said Mary Goforth, and after the divorce from the said Abner Willis, petitioners father, James S. Wheeler, and their mother, Lucretia N. Willis, on or about the 1st day of March, 1890, while residents of said Nation, were married in accordance with the laws of said Nation, and while both of them were inter- citizens thereof.

Petitioners further state that there was born to the said James S. Wheeler and Lucretia N. Wheeler, as the issue of said marriage, two children, both of whom are living, towit: Bessie E. Wheeler, born July 24, 1895, and James E. Wheeler born Nov. 4, 1898; that both said parents are now on the rolls; that their enrollment has been approved by the Secretary of the Interior; and that both of said parents have been allotted their lands and drawn their share of the monies that have been heretofore distributed; that while their said parents were residents as aforesaid, and citizens as aforesaid, they owed immediate allegiance to the Choctaw Nation; that your petitioners being born therefore of parents both of whom were such citizns of said Nation, and residents thereof, your petitioners were born to the same allegiance and to the same citizenship, and are citizens therefore of the same Nation, that of the Choctaw Nation; that a protest against their enrollment has been heretofore filed by the attorneys of the Nation.

Application was duely made for their enrollment incr about the year 1899; that afterwards, and before December 25, 1902, per-

sonal application was again made for their identification and enrollment to the Commission to the Five Civilized Tribes, but owing to said Protest, no action has been taken thereon; and their said application is still pending. Reference is hereby made to the records of said Commission, touching all said matters relating to thir case.

Wherefore, considering the above, petitioners pray that said protest be overruled, that they and each of them be identified and enrolled as citizens of the Choctaw Nation, and for all other proper and suitable relief.

Thos. Norman
Attorney for Petitioners.

I, Lucretia N. Sanders, nee Wheeler, do solemnly swear that the facts and statements contained in the above petition are true.

N. L. Sanders

Subscribed and sworn to before me this the 15 day of January, 1906.

H. P. Stanum
Notary Public.

(SEAL)

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 22, 1906.
Tams Bixby, Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. February 26, 1906.

In the matter of the application for the enrollment of Bessie E. Wheeler, et al., as citizens of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, by Thomas Norman, Ardmore, Indian Territory, attorney for the petitioners, a petition praying for the enrollment of Bessie E. Wheeler and James E. Wheeler as citizens of the Choctaw Nation, claiming the right to enrollment as such citizens by reason of being the children of James S. Wheeler, whose name appears upon the final roll of intermarried citizens of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1165, and Lucretia N. Wheeler, whose name appears upon the final roll of the citizens of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1166.

February 6, 1906, Lucretia N. Sanders, at Wheeler, Indian Territory, Thomas Norman, attorney for the petitioners, Ardmore, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, February 26, 1906, at 1 o'clock P. M., hears such testimony and receive such other evidence as might be submitted in support of the petition for the enrollment of Bessie E. Wheeler and James E. Wheeler as citizens of the Choctaw Nation.

Now on this 26th day of February, 1906, at 1 o'clock P.M. this case being called for hearing in conformity with the notices to the petitioner, the attorney for the petitioner and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered and proceedings had:

APPEARANCES:

The petitioner, Lucretia N. Sanders.

Thomas Norman, Ardmore, Indian Territory, appearing as attorney for the petitioner.

S. Rosenwinkel, of Mansfield, McMurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By Mr. Rosenwinkel:

The Choctaw and Chickasaw Nations object to any proceedings in this case for the reason that the names of the applicants do not appear on the tribal rolls of either the Choctaw or Chickasaw Nation within the meaning of the Act of May 31, 1902, and for the further reason that the petitioners are not in any event such persons as may share in the distribution of the tribal

property of the tribes, they being white children and not citizens by blood.

By Mr. Norman:

We desire to offer in evidence in this case, all of the records filed, proceedings, pleadings, statements, papers, motions, judgments, in the original case of James S. Wheeler and Lucretia N. Wheeler, and especially the judgment rendered by the Commission touching the enrollment of James S. Wheeler and Lucretia N. Wheeler.

By Mr. Rosenwinkel:

What is the purpose of offering this entire record, Mr. Norman?

By Mr. Norman:

There is a good deal of evidence in there, and other matters, that pertain to this case. There is a judgment reciting that both the father and mother are citizens of the Choctaw Nation, the judgment being a conclusive. It further recites the various marriages of the father and mother.

By Mr. Rosenwinkel:

We object to the introduction of this record, except in so far as it tends to show that application was made for the enrollment of these petitioners prior to September 25, 1902. We do not think that the attorney will seriously contend that this judgment is conclusive as to the right of the parents of these petitioners as this was merely a judgment of the Commission and their right was finally decided by the Secretary of the Interior, and the rolls of citizenship will be the best evidence of their status.

By Mr. Norman:

Then we ask for the judgment of the Secretary of the Interior approving the judgment rendered by the Commission and offer that in evidence.

LUCRETIA N. SANDERS, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Sanders now.
Q What is your full name? A Lucretia N. Sanders.
Q What is your postoffice address? A Ardmore.
Q How old are you? A I am 46.
Q On January 22, 1906, there was filed with the Commissioner a petition praying for the enrollment of Bessie E. Wheeler and James E. Wheeler as citizens of the Choctaw Nation; this petition was verified by Lucretia N. Sanders; is that your signature? A Yes sir.

Q Are you the mother of the petitioners, Bessie E. Wheeler and James E. Wheeler? A Yes sir.
Q Who was the father of Bessie E. Wheeler and James E. Wheeler? A James S. Wheeler.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Is James S. Wheeler, the father of the petitioners, a citizen of the Choctaw Nation? A Yes sir.

The witness, Lucretia N. Sanders, as Lucretia N. Wheeler, has been enrolled as an intermarried citizen of the Choctaw Nation, her name appearing upon the final roll of intermarried citizens of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1166.

The name of James S. Wheeler appears upon the final roll of the citizens by intermarriage of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1165.

By Mr. Norman:

Q When were you and Mr. Wheeler, James S. Wheeler, married? A I have forgotten the date--forgetten that I ever was married.
Q What date did it set out in the petition? A The Commission has our certificate.
Q It has the certificate of marriage between yourself and James S. Wheeler? A Yes sir.
Q You state in this petition that you and James S. Wheeler were married on or about the first day of March, 1890? A Yes sir, I think it was the first day of March.
Q 1890? A Yes sir.
Q Where did you get that date from? A From the bible.
Q Have you your bible here? A No sir.
Q You know that is the correct date as shown by the bible? A Yes sir.
Q At the date of your marriage were you a citizen of the Choctaw Nation? A My marriage to Mr. Wheeler? Yes, I was married to an Indian, but I wasn't on the rolls of the Commission.
Q But you were a citizen? A Yes sir.
Q And so was Mr. Wheeler? A Yes sir.
Q Were these two children Bessie E. Wheeler and James E. Wheeler, born to you and Mr. Wheeler after your marriage? A Yes sir.
Q Born to you as the fruits of that marriage? A Yes sir.
Q At the time of their birth where were you and Mr. Wheeler residing? A At Wheeler.
Q Where is Wheeler? A 25 miles northwest of Ardmore.
Q Inside or outside of the Choctaw or Chickasaw Nation? A In the Chickasaw Nation.
Q Where have you continuously resided since that time? A Wheeler part of the time and been at Ardmore part of the time, the past two years.
Q Have you since your marriage to Mr. Wheeler and since the birth of these children, continuously resided in the Chickasaw Nation. A Yes sir.
Q Where have these children resided during all that time? A Right with me in the Chickasaw Nation.
Q Do you know a boy named Ed Willis? A Yes sir.
Q Who is he? A He is my child.
Q By what husband? A By my first husband.
Q Is he an Indian by blood?

By Mr. Rosenwinkel:

We object to all of that testimony.

By Mr. Norman:

He is to testify later.

Q Is this your boy? A Yes sir.
Q What is his name? A Ed Willis, the Commission has it.
Q Where is James S. Wheeler now? A He is dead.
Q When did he die? A The 16th of January.
Q What year? A A year ago--1906.
Q Since then have you married? A Yes sir.
Q To whom were you married? A Mr. Sanders, Albert Sanders.
Q That's why you appear in this petition as Lucretia N. Sanders, is it? A Yes sir.
Q Do you remember the ages of your two children? A I don't my boy; I remember the girl.
Q Do you remember whether the ages stated in this petition are true or not? A Yes sir, that's the true date.
Q Where did you get these dates from? A From the bible.
Q Bessie E. Wheeler appears to have been born on July 24, 1895? A Yes sir.
Q And James E. Wheeler was born November 4, 1898; that is the correct date? A Yes sir.
Q Are they still living? A Yes sir.
Q Living with you? A Yes sir.

By the Commissioner:

Application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, July 16, 1900, for the enrollment of James S. Wheeler and Nancy Lucretia Wheeler and two minor children, Bessie Edna Wheeler and James Ernest Wheeler, as citizens of the Choctaw Nation.

By Mr. Norman:

Q Are these two children the same children that you made application for in 1900? A Yes sir.

Witness excused.

EDWARD WILLIS, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Edward Willis.
Q Where do you live? A Live at Ardmore.

By Mr. Norman:

Q Are you a citizen--on the roll? A Yes sir.
Q Taken your allotment? A Yes sir.
Q Who is your mother? A This is my mother.
Q The lady who just testified in this case? A Yes sir.
Q Have you any brothers and sisters? A No own brothers and sisters.
Q Have you any half brothers and sisters? A Yes sir.
Q How many? A Have three or four; father has two or three and my mother has two.
Q What two are they? A Bessie and Ernest.
Q Are they the two your mother was just testified about? A Yes sir.

Q Who was the father of these children? A James Wheeler.
Q By, who raised you, where were you raised, in what family? A James Wheeler raised me.
Q Have you always been raised in this family? A Yes sir.
Q Of James S. Wheeler and your mother? A Yes sir.
Q And you didn't live with your father? A Not since I was small.
Q Do you know that these are the children of James S. Wheeler and your mother? A Yes sir.
Q You have lived in the family all the time? A Yes sir, I have.
Q They are stated in the petition to be Bessie Edna Wheeler and James Ernest Wheeler? A Yes sir.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 27th day of February, 1906.

Harron White
Notary Public.

7-D-582.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Edna and James Ernest Wheeler as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein that on July 16, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of James S. Wheeler and his wife, Nancy Lucretia Wheeler, as citizens by intermarriage of the Choctaw Nation, and for the enrollment of their two minor children, Bessie Edna and James Ernest Wheeler as citizens of said nation. The rights of James S. Wheeler and Nancy Lucretia Wheeler to enrollment as citizens by intermarriage having heretofore been determined as set forth below, their applications are not considered herein.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 22, 1906, by Thomas Norman of Ardmore, Indian Territory, attorney for the petitioners, a petition verified by N. L. Sanders, and submitted on behalf of her two minor children, Bessie E. and James E. Wheeler, praying that they be enrolled as citizens of the Choctaw Nation.

The evidence in this case shows that the applicants are the children of James S. Wheeler and Lucretia N. Wheeler, both of whom are white persons, whose names appear as numbers 1165 and 1166, respectively, upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 16, 1904.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 19 1906

7-D-582

Muskogee, Indian Territory, June 19, 1906.

COPY

Lucretia N. Sanders,

Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-582

7-D-582

Muskogee, Indian Territory, June 19, 1906.

Thomas Norman,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-582

7-D-582

Muskogee, Indian Territory, June 19, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Incl. 7-D-582

Muskogee, Indian Territory, June 19, 1906.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying said application and petition.

Respectfully,

Commissioner.

2 Incl. 7-D-582

Through the
Commissioner of Indian Affairs.

O.R.

DEPARTMENT OF THE INTERIOR, S.P.
WASHINGTON.

D.C.11834-1907.
I.T.D. 2758-1907. February 26, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In conformity to the opinion of the Attorney General of the United States of February 19, 1907 (I.T.D. 4564-07), in the consolidated case of Cyrus H. Kingsbury, et al., and in accordance with the recommendation of the Indian Office of February 7, 1907 (Land 52795-06), your decision of June 19, 1906, denying the application for the enrolment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation is hereby affirmed.

A copy of Indian Office letter of February 7, 1907, is inclosed.

You will advise applicants and their attorney of this action.

The record has this day been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inc. and
2 to Ind. Off.

AMc
3-27-07.

--Copy--

Refer in reply to the following:
LAND
52795-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

The record herein shows that on July 16, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of James S. Wheeler and his wife, Nancy Lucretia Wheeler, as citizens by intermarriage of the Choctaw Nation, and for the enrollment of their two minor children, Bessie Edna and James Ernest Wheeler, as citizens of that Nation. The rights of James S. Wheeler and Nancy Lucretia Wheeler to enrollment as citizens by intermarriage having heretofore been determined as set forth below, their applications are not considered herein.

The evidence shows that the applicants are the children of James S. and Nancy Lucretia Wheeler, both of whom are white persons, regularly enrolled as citizens by intermarriage of the Choctaw Nation, their names appearing on a list prepared by the Commission

under the provisions of the Act of July 1, 1902 (32 Stat.L/, 641), and approved by the Department on November 16, 1904.

The applicants, Bessie Edna and James Ernest Wheeler, being minors with no Indian blood, are not entitled to enrollment under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), and it is recommended that their application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

7-B-[illegible]
W-23

Muskogee, Indian Territory, April 18, 1907.

Lucretia N. Sanders,

Ardmore, Indian Territory.

Dear Madam :--

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-3-662
W-23

Muskogee, Indian Territory, April 10, 1907.

Thomas Norman,

Ardmore, Indian Territory.

Dear Sir :--

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of Bessie Edna Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

T-B-[illegible]

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of Bessie Mae Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation.

Respectfully,

Geo. P. Rodgers.

Acting Commissioner.

Choctaw D 582

Muskogee, Indian Territory, February 10, 1904.

James S. Wheeler,
Wheeler, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your minor children, Bessie E. and James E. Wheeler, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

G.R.

DEPARTMENT OF THE INTERIOR, S.P.
WASHINGTON.

D.C.11824-1907.
I.T.D. 2780-1907.

February 26, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In conformity to the opinion of the Attorney General of the United States of February 19, 1907 (I.T.D. 4564-07), in the consolidated case of Cyrus N. Kingsbury, et al., and in accordance with the recommendation of the Indian Office of February 7, 1907 (Land 52795-06), your decision of June 19, 1906, denying the application for the enrolment of Bessie Mae Wheeler and James Ernest Wheeler as citizens of the Choctaw Nation is hereby affirmed.

A copy of Indian Office letter of February 7, 1907, is inclosed.

You will advise applicants and their attorney of this action.

The record has this day been sent to the Indian Office for its files, together with a carbon copy hereof.

Respectfully,

James R. Wilson

Assistant Secretary.

1 inc. and
2 to Ind. Of.

D.

Joseph J. Roberts.

Record transferred to
Choctaw card #3693

D 584

James L Sumpler

Record transferred to
Chootaw card # 4744

585

Ethel Atkins

Record transferred to
Choctaw card # 3421

8. 586

J. F. Gilstrap et al.

Record transferred to
Chattanooga card #5664.

J 587

Matthew Hart

Record transferred to
Choctaw card # 1515

Choctaw D. 588

George Eamish et al

Transferred to 7-6066
1/17/07

CHOCTAW D. 38

Sealy Church.

CANCELLED
and record transfered to CHOCTAW 5491
June 12, 1906.

D 590

Elizabeth Walls

Record transferred to
Choctaw card # 5042

D 591

Clara Neukirchner

Record transferred to

GUERLAW. # 5806

CHOCTAW D 582

William Hurt.

Record transferred to Choctaw card # 3123.

Choctaw D513

Ansolum H. Jones et al

TAW No.

Theodore H. Jones et al

Transferred from Choctaw 1907

#1-2-3-
4-5-6-7- } DISMISSED

JAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment, as citizens of the Choctaw Nation, of:

ANSOLUM H. JONES, ET AL., 7-D-593.

Chec D 575

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 13, 1900.

In the application for the enrollment of Musie Dora Jones et al as Choctaw citizens; Winburn Jones being sworn and examined by Acting Chairman Bixby testifies as follows:

Q What is your name? A Winburn Jones.
Q What is your age? A I am forty-two.
Q What is your post-office address? A Marlow, Indian Territory
Q Your business before this Commission is to look after the enrollment of your nephews and nieces? A Yes sir, this evening.
Q What are their names? A Musie Dora Jones, W. H. Jones, Angeline Jones, Anson Edward Jones and Roy Jones.
Q Where do these children live? A There is a part of them in Trinity County, Texas and a part of them with their father in Wichita County, Texas.
Q Give the names of those in Trinity County, Texas? A Musie Dora Jones, and W. H. Jones were there when I last heard of them.
Q What are the names of those living in Wichita County?
A Angeline, Anson Edward and Roy.
Q Did eitherof these children ever live in the Indian Territory?
A Not to say it was their home; they have been here, the two oldest, and staid awhile, but I couldn't say it was made their home; they staid at my house.
Q On a visit? A Yes sir, on a visit that was.
Q What is the name of their father? A Anson H. Jones.
Q What is the name of their mother? A Lizzie, was the name of the mother of the last two. Lou was the name of the mother of Musie Dora and William H.
Q Were both of these women white people? A Lou claimed to be a Choctaw.
Q What did Lizzie claim to be? A I never heard her say, but I sup pose white blood.
Q Is she living? A Yes sir, was when I heard from them last.
A I haven't heard from them in over a year .
The two oldest children was with my mother when I last heard of them.; that has been not over six months ago.
Q Did A.H.Jones ever live in the Territory? A No sir, I couldn't say he ever lived here; he has been here and staid twice, but of course he wasn't living here at the time; he was here looking after this business and did arrange to move at Marlow, but when he got down to Texas he wrote me he didn't find matters as he thought that they would work, and so he didn't come back.
Q A.H.Jones present wife is named Lizzie? A Yes sir.
Q Did she ever live in the Territory? A No sir.
Q A.H.Jones applied to the Dawes Commission in his own behalf and in behalf ofhis ~~children~~ wife and children under the law of 1896 didn't he? A Yes sir.

Note: Record examined and found to read as follows:
Citizenship Docket "C", on page 372, A.H.Jones vs Choctaw Nation, case filed September 9th, 1896; answer filed; application denied. Case appealed to the United States Court in the Indian Territory, and judgment reversed as to A.H.Jones, Musie Dora Jones, Angie Jones, Anson Edward Jones, Roy Jones, W. H. Jones and Mrs. Lizzie Jones.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 23rd day of June 1900.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. November 26th, 1900

In the matter of the application of Anselum H. Jones for the enrollment of himself and his minor children as citizens of the Choctaw Nation, and for the enrollment of his wife as a citizen by intermarriage.

The said Anselum H. Jones, being duly sworn, was examined by the Commission, and testified as follows:

Q What is your name? A Anselum H. Jones.

Q What is your age? A I was forty-five years old in March, the 20th.

Q What is your post office address? A Marlow, Indian Territory.

Q Are you a resident of the Indian Territory? A Yes, sir.

Q How long have you resided here? A I have been there about six weeks or two months.

Q Is that the only residence you have ever maintained in the Indian Territory? A Yes, sir.

Q Where did you live before that? A In Texas.

Q What was your father's name? A Woody Jones.

Q Is your father living? A No, sir.

Q Is he a white man or a Choctaw Indian? A Well, they claim he is a Choctaw, I don't know.

Q What is your mother's name? A Mary Jane.

Q Is your mother living? A Yes, sir.

Q Is she a white woman? A She looks like she might be. She has always passed as that.

Q You present here a judgment of the United States Court for the Southern District of the Indian Territory, rendered March 18th, 1898, admitting to citizenship as citizens of the Choctaw Nation A. H., Musie Dora, Angie, Anson Edward, Roy and W. H. Jones, and Mrs. Lizzie Jones as a member of the Choctaw tribe of Indians by intermarriage. Is Mrs. Lizzie Jones your wife? A Yes, sir.

Q You made application to the Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896, didn't you? A Yes, sir.

Q Was your wife, and the children named parties in the original application in 1896? (No response.)

BY THE COMMISSION: The records of the Commission show that under the Act of Congress of June 10th, 1896, A. H. Jones filed an original application for the citizenship of himself and others in the Choctaw Nation. The same appears upon the records, 1896 Citizenship Docket C., page 372, Choctaw Case No. 1035. The original application was filed in this case september 9th, 1896. The Answer of the Choctaw Nation was filed therete, and on December 5th, 1896, the Commission denied the application of A. H. Jones et al for citizenship in the Choctaw Nation. An appeal was taken to the United States Court for the Southern District of the Indian Territory and that Court reversed the judgment of this Commission and admitted to citizenship in the Choctaw Nation seven people, being the applicant, his wife and his five minor children.

Q At the time you made this application to the Commission in 1896 you and your family were residents of the States of Texas? A Yes, sir. We lived in Texas. That is why I didn't enroll.

Q You and your wife and your minor children have been residents of the Indian Territory for how long? A For about six weeks or two

months.

Q Prior to that time your residence was in the State of Texas? A Yes, sir.

Q Have you now removed to the Indian Territory all your household goods and personal belongings of yourself and family? A Yes, sir; the most of it.

Q You moved here with the ideaand purpose of making this your permanent place of residence of yourself and family? A Yes, sir.

Q What do your possessions in the Indian Territory now consist of? A Nothing only I have got my claims over there. I bought me some claims for a place to live on and improve it.

Q Are you a property owner in the Statesof Texas? A Yes, sir.

Q How much? A I have got a little bunch of cattle is all.

Q Do you own any real estate? A No, sir.

Q Have you a residence in the State of Texas? A Yes, sir; I have got a place in Knox County.

Q How much of a place? A L 160 acres.

Q You own that do you? A Yes, sir.

Q Have you made any attempt to dispose of it? A Yes, sir.

Q Application was made to this Commission June 13th, 1900, when the Commission was in session at Colbert, for the enrollment of your five minor children by Winburn Jones. What relation is he to you? A My brother.

Q Did you authorize him to make that application at that time? A Yes, sir.

Q Your children were not residents of the Indian Territory at the time that application was made, were they? A No, sir; they were rejected because they were non-citizens is why I bought suit in the Court at Ardmore.

Q When? A In 1896 or 1897. This judgment tells you.

Q Your wife is a white woman? A Yes, sir.

Q What was her father's name? A Domny.

Q What was his first name? A John.

Q Is he living? A No, sir.

Q What was your wife's mother's name? A Fondren.

Q What is her given name? A Beckie.

Q Is she living? A Yes, sir.

Q Your wife's parents, are they both white people? A Yes, sir.

Q Is your wife the mother of your five minor children? A No, sir.

Q Who is the mother of these children? A The last wife is the mother of three of them and my first wife is the mother of two.

Q Your first wife was Lou Jones, was she? A Yes/ sir.

Q Is there filed with the original application that you made in 1896 evidence of your marriage to your first wife and your second wife A Yes, s r.

Q Those papers are on file with the United States Court at Ardmore, are they? A Yes, sir.

BY THE COMMISSION: The Commission will be unable to enroll you and your wife and children as citizens of the Choctaw Nation at this time for the reason that the Act of Congress of June 28th, 1898 under which the Commission is empowered to prepare rolls of the citizens of the Choctaw Nation, provides in the 21st Section of that Act that no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship; and it appears from the testimony that you had not up to that time, nor have you since that time until within six weeks ago, removed to the Indian Territory for the purpose of establishing a residence.

The decision of the Commission as to your application and the application you make on behalf of your wife and your minor children

for enrollment as citizens of the Choctaw Nation, will be mailed to you in writing in the near future at your present post office address, stating fully therein the reason for any action the Commission may take in the matter of your application and the application you make on behalf of your wife and minor children.

BY THE COMMISSION: There is filed and made a part of he record in this case a certified copy of the Judgment of the United States Court for the Southern District of the Indian Territory in the case of A. H. Jones v. Choctaw Nation, Court No. 151.

-----o-----

Wm. S. Wellshear, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported in full all proceedings in this application, and that theforegoing is a correct, true and complete transcript of his stenographic notes thereof.

Wm S. Wellshear

Subscribed and sworn to before me this 28th day of November A. D. 1900.

Guy L. V. Emerson

Notary Public.

Jas. R. Rogers
to { Affidavit.
Winburn Jones

Chas. D. Tyler

FILED
JUN 13 1900
COMMISSION TO FIVE TRIBES.

FILED
JUN 13 1900
COMMISSION TO FIVE TRIBES.

Wilburn Jones
vs
Choctaw Nation

This day appeared personally before me the undersigned a Notary Public in and for the southern dist I.T. Jas R. Rogers to me well known, who being by me duly sworn, on his oath says he is Seventy (70) years old, and resides in the city of Marlow I.T. that he was raised in Simpson County in the State of Miss. that he was well acquainted with Hyram and Woody Jones, full Choctaw indians by Blood of Rankin County Miss. they always claimed to be full Choctaw indians by Blood, and boasted of the same. Woody Jones was the father Wilburn Jones of Marlow I.T. and also the father of A. H. Jones who was admitted to citizenship in the Choctaw nation or tribe of indians by the U.S. Court of the southern dist and territory. the above named Hyram & Woody Jones, was quite dark and, plainly showed that they were full Choctaw by Blood

Jas. R. Rogers

Subscribed and sworn to before me this the 6 day of June A.D. 1900

Geo T. Little
Notary Public

Chec
D 575

FILED
JUN 13 1900
COMMISSION TO FIVE TRIBES.

A . H . Jones ,

vs. 181 .

Choctaw Nation .

" D E C R E E . "

On this 18th day of March 1898, came regularly on to be heard tha above entitled cause, on the application, exhibits, evidence, the master's report and the entire record on the case ,and the court having investigated said cause and being well and fully advised in the premises finds that A . H . Jones , Musir Dora Jones, Angie Jones, Anson Edward Jones, Ray Jones and W . H . Jones are Choctaw Indians by blood, and are entitled to be enrolled as such , that Mrs . Lizzie Jones is a member of the Choctaw Tribe of Indians by inter- marriage with A . H . Jones and is entitled to be enrolled as a member of said tribe . Wherefore it is by the court considered, ordered adjudged and decreed that the applicants herein to-wit :- A . H . Jones, Musir Dora Jones, Angie Jones, Anson Edward Jones, Ray Jones, W . H . Jones and Mrs . Lizzie Jones be and they are hereby admitted and enrolled as members of the Choctaw Nation and as members of the Choctaw Tribe of Indians, with all the rights, privileges and immunities pertaining to such relation . It is further ordered that the clerk of this court certify a true copy of this decree to the Commission to the Five Civilized ~~Trib~~ Tribes and that said commission enroll the above named parties as members of the Choctaw Tribe of Indians .

Indian Territory,

Southern District .

I, C . M . Campbell, Clerk of the United States Court within and for the Southern District of the Indian Territory do hereby certify that the within and foregoing is a true perfect and literal copy of the " Decree " in the above entitled cause as recorded in my office at Ardmore .

In Testimony Whereof, Witness my hand and official seal at my office in Ardmore this 12th day of June - 1900 .

C M Campbell

Clerk .

No. 151

United States Court,

INDIAN TERRITORY,

District.

vs.

TRANSCRIPT OF PROCEEDINGS IN SUIT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 26 1900

Form No. 307.

TRANSCRIPT OF PROCEEDINGS.

United States Court,
INDIAN TERRITORY,
Southern District. } ss:

At a stated term of the United States Court in the Indian Territory, District, begun and had in the Court Rooms, at Ardmore *, in the Indian Territory, on the* 18th *day of* November *, in the year of our Lord one thousand eight hundred and ninety-*seven

Present, the Hon. Hosea Townsend *, Judge of said Court.*

On the 16th *day of* March *, 189*6*, being a regular day of said term of said Court, among the proceedings had were the following, to wit:*

A.H. Jones,
vs. No 151
Choctaw Nation.

DECREE

On this the 16 day of March, 1896, came regularly on to be heard the above entitled cause on the application, exhibits, evidence, the Master's report and the entire record in the case, and the Court having investigated said cause, and being well and truly advised in the premises, finds that A.H. Jones, Musie Dora Jones, Angie Jones, Anson Edward Jones, Roy Jones, and W.H. Jones are Choctaw Indians by blood, and are entitled to be enrolled as such.- That Mrs. Lizzie Jones is a member of the Choctaw Tribe of Indians by intermarriage with A.H. Jones, and is entitled to be enrolled as a member of said tribe.

Wherefore, it is by the Court considered, ordered, adjudged and decreed that the applicants herein to wit: A.H. Jones, Musie Dora Jones, Angie Jones, Anson Edward Jones, Roy Jones W.H. Jones and Mrs. Lizzie Jones, be and they are hereby admitted and enrolled as members of the Choctaw Nation and as members of the Choctaw Tribe of Indians, with all the rights, privileges and immunities pertaining to such relation. It is further ordered that the Clerk of this Court certify a true copy of this decree to the commission to the Five Civilized Tribes, and that said Commission enroll the above named parties as members of the Choctaw Tribe of Indians.

United States Court,
INDIAN TERRITORY,
Southern District. } ss:

I, C M Campbell, Clerk of the United States Court within and for the District and Territory aforesaid, do hereby certify, that the foregoing orders are truly taken, and correctly copied from Court Journals of said Court, as the same appears to me.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Ardmore
this 16 day of Nov, A. D. 1900

C M Campbell, Clerk.

By ....., Deputy.

N.F.

7-D-593.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ansolum H. Jones and his five children, Musie D. Jones, Angie Jones, Anson E. Jones, Roy Jones and W. H. Jones, as citizens by blood, and for the enrollment of his wife Lizzie Jones as a citizen by intermarriage, of the Choctaw Nation.

----oOo----

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "A. H. Jones, vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 1035), original application was made to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicants, Ansolum H. Jones (as A. H. Jones), Lizzie Jones, Musie D. Jones (as Murice Jones), Angie Jones (as Angelina Jones), Anson E. Jones (as Edward Jones), Roy Jones (as John Royal Jones) and W. H. Jones, as citizens by blood of the Choctaw Nation; and on December 5, 1896 said applicants were by this Commission denied admission as citizens by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, in the case entitled "A. H. Jones vs. Choctaw Nation" (Citizenship Case, number 151), reversed the decision of the Commission denying the applicants herein admission as citizens by blood of the Choctaw Nation and admitted the said Ansolum H. Jones (as A. H. Jones), Lizzie Jones (as Mrs. Lizzie Jones), Musie D. Jones (as Musie Dora Jones), Angie Jones, Anson E. Jones (as Anson Edward Jones), Roy Jones and W. H. Jones "as members of the Choctaw Tribe of Indians, with all the rights, privileges and immunities pertaining to such relation."

It further appears from the records in the possession of the Commission that on December 17, 1902 the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizen-

ship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Anselum H. Jones, Musie D. Jones, Angie Jones, Anson E. Jones, Roy Jones and W. H. Jones as citizens by blood, and Lizzie Jones as a citizen by intermarriage, of the Choctaw Nation and it is, therefore, hereby ordered that the application for the enrollment of Anselum H. Jones, Musie D. Jones, Angie Jones, Anson E. Jones, Roy Jones and W. H. Jones, as citizens by blood, and Lizzie Jones as a citizen by intermarriage, of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

JAN 26 1905

Choctaw D 593

COPY.

Muskogee, Indian Territory, January 26, 1905.

Amsolum H. Jones,

Marlow, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of yourself, of your children, Musie D. Jones, Angie Jones, Anson E. Jones, Roy Jones and W. H. Jones, as citizens by blood, and of your wife, Lizzie Jones, as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

SIGNED:

Tams Bixby

Chairman.

Registered.

Incl. 7-D-593

Choctaw D 593

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Ansolum H. Jones, Music D. Jones, Angie Jones, Anson E. Jones, Roy Jones and W. H. Jones, as citizens by blood, and of Lizzie Jones as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-D-593

Muscogee, Indian Territory,

August 18th, 1900.

Musie D. Jones,

Holiday, Texas.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Angeline, Anson E., and Roy Jones as citizens of the Choctaw Nation.

The Commission, commencing September 3rd, 1900, will hold a sessions at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-575.

MEMORANDA.

(Date) June 13 1900 ~~1900.~~

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

✓ Musie Dora Jones County ..... Year ..... Page ..... No. .....

✓ W. H. " County ..... Year ..... Page ..... No. .....

✗ Angeline " County ..... Year ..... Page ..... No. .....

✗ Anson Edward " County ..... Year ..... Page ..... No. .....

✗ Roy " County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Anson H. Jones, father living

✓ Mother Lou "

✗ " Lizzie " "

)COPY)

(TRANSCRIPT OF PROCEEDINGS)

UNITED STATES OF AMERICA,
INDIAN TERRITORY
SOUTHERN DISTRICT. } ss:

At a stated term of the United States Court in the Indian Territory,----District, begun and held in the Court rooms, at Ardmore, in the Indian Territory, on the 15th day of November in the year of our Lord one thousand eight hundred and ninety-seven.

Present, the Hon. Hosea Townsend, Judge of said Court.

On the 18th day of March 1898, being a regular day of said term of said Court, among the proceedings had were the following to-wit:

A. H. Jones,
vs No.181.
Chectaw Nation.

-: D E C R E E :-

On this the 18th day of March, 1898, came regularly on to be heard the above entitled cause on the application, exhibits, evidence, the Master's report and the entire record in the case, and the Court having investigated said cause, and being well and truly advised in the premises, finds that A. H. Jones, Maxie Dora Jones, Angie Jones, Annie Edward Jones, Roy Jones, and W. H. Jones are Chectaw Indians by blood, and are entitled to be enrolled as such.- That Mrs. Linnie Jones is a member of the Chectaw Tribe of Indians by intermarriage with A. H. Jones, and is entitled to be enrolled as a member of said tribe.

Wherefore, it is by the Court considered, ordered, adjudged and decreed that the applicants herein to wit: A. H. Jones, Maxie Dora Jones, Angie Jones, Annie Edward Jones, Roy Jones, W. H. Jones and Mrs. Linnie Jones, be and they are hereby admitted and enrolled as members of the Chectaw Nation and as members of the Chectaw Tribe of Indians, with all the rights, privileges and immunities pertaining to such relation. It is further ordered that the Clerk of this Court certify a true copy of this decree to the commission to the Five Civilized Tribes, and that said Commission enroll the above named parties as members of the Chectaw Tribe of Indians.

(COPY)

UNITED STATES OF AMERICA,
INDIAN TERRITORY } ss:
SOUTHERN DISTRICT

I, C. M. Campbell, Clerk of the United States Court within and for the District and Territory aforesaid, do hereby certify, that the foregoing orders are truly taken, and correctly copied from Court Journals of said Court, as the same appears to me.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Ardmore this 16 day of Nov, A. D. 1900.

C. M. Campbell, Clerk.

(SEAL)

Endorsed on back as follows:

F I L E D
Nov 26 1900
Tams Bixby, Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return in Envelope to Writer.

11303
10703

46.

MARLOW, IND. T.
MAR 6 1905
REGISTERED.

Ansolum H. [redacted]
Marlow, Indian Territory.

Return in Envelope to Writer.

UNKNOWN.

FEB 1 1905
COMMISSION,
MUSKOGEE, IND. TER.

MAR 7

7-D-573

CHOCTAW D. 594

Mary M. Haile

ENTED.

1905

CANCELLED

and transferred to

CHOCTAW 595 S. JUL 17 1905

Choctaw D-595

Maud M. Carroll

D-595

OTAW

No. 395

Frank M. Carroll

DISMISSED

MAY 27 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

MAUD M. CARROLL, 7-D-595.

-- -o-- -

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 6th, 1900.

In the matter of the application of George R. Carroll for the enrollment of his wife as a Choctaw citizen by intermarriage.

The said George R. Carroll, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A George R. Carroll.
Q How old are you? A I am twenty-five years old.
Q Where do you live? A I live at Elmore, I. T.
Q Is Elmore your post office? A Yes, sir.
Q How long have you lived in the Indian Territory? A I don't know just exactly how long, either eight or nine years, something like that.
Q Are you a white man and a citizen of the United States? A No, sir; I am not.
Q Are you a Choctaw Indian? A I am sir.
Q Are you on the rolls? A I have been enrolled. I was admitted by the United States district court.
Q How did you obtain admission to citizenship in the Choctaw tribe of Indians? A Well, I was admitted by the United States district court at South McAlester.
Q On an appeal from the decision of the Dawes Commission? A Yes, sir.
Q Do you remember the title of the case? No, I don't. It was Samuel H. Carroll, I think, and others.
Q Have you a copy of the judgment which admitted youto citizenship? A Yes, sir.
Q Do youwish to offer it in evidence? A Yes, sir; here it is.
Q Are you the identical G. R. Carroll named in this judgment? A I am the identical man.
Q In the case of Samuel H. Carroll, et al, v. Choctaw Nation, No. 23? A Yes, sir.
(Certified Copy of Judgment is here marked exhibit A. by the stenographer, and the same filed in the cause.)
Q Who did you marry? A Maud M. Jackson.
Q Was she a white woman and a citizen of the United States? A Yes, sir; she was a white lady and a citizen of the United States.
Q What is her father's name? A Her father's name is Frank Jackson. Her step-father's name is Sam Jackson.
Q Is her father dead? A Yes, sir.
Q What is her mother's name? A Dora A. Jackson.
Q Is she living or dead? A She is living.
Q Did she ever claim to be a citizen of any Indian tribe in the Indian Territory? A This young lady?--No, sir.
Q When were you married? A November 18th, I believe. I think it was the 18th.
Q What year? A This year.
Q Where? A Right here at Atoka.
Q Who married you? A A preacher by the name of Linebaugh.
Q Have you a copy of your marriage license? A Yes, sir.
(Marriage license offered in evidence, filed and marked exhibit B.)

MR. BIXBY: (Acting Chairman of Commission) The name of George R. Carroll is found on Choctaw Card No. D. 9. (Field No.)

CROSS-EXAMINATION - - - - - - - - - By Mr. Cornish.

Q What is your full name? A George R. Carroll.

George R. Carroll for his wife-----2.

Q How are you related to Samuel W. Carroll? A I am his brother.

Q How are you related to Samuel H. Carroll? A I am a son, sir.

Q How are you related to Thomas R. A We are brothers, sir.

Q You live at Allen? A Elmore.

Q Where is that? A Fifteen miles West of Wynnewood, in the Chickasaw Nation.

Q Where do you live? A I live at Elmore, or three miles east of there.

Q You live about your people over there? A Yes, sir; we live tolerable close together.

Q When did you move there? A Two or three years ago.

Q And you lived in the Chickasaw Nation for the past two or three years? A Yes, sir.

Q Your home was in the Chickasaw Nation at the time you married? A Yes, sir; most surely sir.

Q You procured a license, however, from the Clerk of the United States Court at South McAlester? A I did not, sir. It is deputy Clerk of the United States Court at Atoka.

Q Atoka is in the Choctaw Nation, is it? A Yes, sir.

Q It was in the Central District? A Yes, sir.

Q Your home was in the Chickasaw Nation at that time? A Yes, sir.

Q Why didn't you------

A (interrupting) Do you want to know why I didn't go------

Q (interrupting) No, never mind. I will ask you what I want to know. Why didn't you procure your license in the Chickasaw Nation? A Well, sir; I had a sort of a desire to get married in the Choctaw Nation. I had a few good friends down here I wanted to meet and exhibit my wife to.

Q That is the reason you came into the Choctaw Nation? A That is one reason, and another was to comply with the laws of the Choctaw Nation.

Q Did you know that it required a thousand dollar license up there to confer either a Choctaw or a Chickasaw Indian residing in the Chickasaw Nation -----did you know that it required the payment of a thousand dollars to procure a license for an Indian to confer citizenship upon a non-citizen living in the Chickasaw Nation? A No, sir; I did not.

Q You just came over here to Atoka to have this marriage performed in order that you might meet your friends and exhibit your wife? A That was my main reason.

Q You didn't know anything about the thousand dollar license law in the Chickasaw Nation? A No, sir; I did not.

Q You didn't run from that? A No, sir.

Q No, you of course----Well, that is all.

Witness excused.

------o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application at the time and place abovementioned and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof. W. S. Mellon

Subscribed and sworn to before me this 10th day of December A. D. 1900.

Acting Chairman.

No. 893

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of

Mr. G R Carroll and

Miss Maude M Jackson

was filed in my office in said Territory and District the 18 day of Nov A. D. 1900 and duly recorded in Book [illegible] of Marriage Record, Page 447

WITNESS my hand and seal of said Court, at Atoka this 18 day of Nov. A. D. 1900

E. J. FANNIN,
Clerk.

By [illegible] Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 6 1900
ACTING CHAIRMAN.

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **BANS OF MATRIMONY** between Mr. G R Carroll of Elmore in the Indian Territory, aged 25 years, and Miss Maud M Jackson of Elmore in the Indian Territory, aged 15 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this 18 day of Nov. A.D. 1900

Don J Folsom
Deputy.

E J Farmer
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

I, D N Lineburgh a Minister of the Gospel do hereby CERTIFY, that on the 18 day of Nov A.D. 1900 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this 18 day of Nov A.D. 1900

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book 13, Page 141

[redacted]

D N Lineburgh
Minister of the Gospel

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from which it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable to the amount of the Internal Revenue Stamp.

Exhibit U

No. 5 (3)

[illegible]

VERSUS

[illegible]

Copy of Order of Court.

P. B. STONER, Clerk.

By _____ Deputy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 6 1900

[illegible] Acting Commissioner.

THE WITHIN IS A TRUE COPY from the Record of an Order made by said Court on the [illegible] day of [illegible], A. D. 189[illegible].

P. B. STONER, CLERK.

By [illegible] Deputy.

COPY OF ORDER OF COURT

United States of America,)
INDIAN TERRITORY: ss.
CENTRAL DISTRICT.)

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 26th. day of August, A. D. 1897:

Present, the Honorable W. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to-wit:

Samuel H. Carroll et al
vs 23. **** Judgment ****
Choctaw Nation

On this day this cause came on to be heard upon the report of the Special Master T. N. Foster, heretofore appointed to report his findings on the facts in this case, and the court having examined said report and the evidence submitted therewith and the pleadings herein, does confirm said report in all respects.

It is therefore ordered and decreed and adjudged by the court that the plaintiffs, Samuel H. Carroll, Elizabeth Carroll, Samuel W. Carroll, G. R. Carroll, T. R. Carroll, Margaret A. Carroll, Joseph A. Carroll, John E. Carroll, Walter A. Carroll, Hattie P. Carroll, Belle Carroll, Mary C. Carroll and Mary Carroll are members by blood of the Choctaw Nation, and that all of the said plaintiffs be placed upon the rolls as such members of the Choctaw Nation, and that the defendant, Choctaw Nation, recognize the rights of the plaintiffs herein and in no way abridge, infringe or attempt to limit the rights of the said plaintiffs; and that the Commission to the Five Civilized Tribes place the names of these plaintiffs upon the rolls as members of the Choctaw Nation as herein adjudged, and the said Commission be furnished with a certified copy of this judgment, by the clerk of this court; and that the plaintiffs have and recover of and from the said defendant all their costs herein laid out and expended, for all of which let execution issue.

United States of America :
Central District :
Indian Territory :

I, Edward J. Fannin Clerk of the United States Court for the Central District of the Indian Territory, do hereby certify that the above and foregoing is a true, perfect and complete copy of the judgment rendered in the above entitled action at South McAlester on the 26th day of August 1897, and said judgment has not been appealed from or in any wise modified and is still in full force and effect.

Witness my hand and official seal at South McAlester in the Central District of the Indian Territory on this the [illegible] day of August 1899.

E. J. Fannin
Clerk United States Court.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Maud M. Carroll for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-595.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Maud M. Carroll for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney, J. G. Balls and submits his case upon the evidence and record now on file.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-596

Muskogee, Indian Territory, March 5, 1902.

Maud M. Carroll,

Elmore, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

DBW

7-D-595.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Maud M. Carroll for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Maud M. Carroll, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one George R. Carroll. The right of the applicant's husband, George R. Carroll, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 26, 1904, in case No. 98, upon the South McAlester docket of said court, it is hereby ordered that the application of Maud M. Carroll for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

T- D- 595.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Maud M. Carroll,

Elmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. T- D- 595.

T- D- 595.

COPY.

Muskogee, Indian Territory, June 2, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Maud M. Gerrell.

Respectfully,

CHOKSEE

Tams Bixby.

Chairman.

Registered.

Incl. T- D- 595.

See Choctaw R- 650 for registry receipt for this letter.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
JUN 1901
MUSKOGEE, IND. TER.

12930

UNCLAIMED

RETURN TO WRITER

Reed H. Carroll,
Elmore, Indian Territory.

#7

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

ELMORE
AUG 2 1
IND T

AUG 21 1901

3

Choctaw D 596

Mattie E. Petty

D-596

CHOCTAW No. 596

Mattie E. Petty

DISMISSED

NOV 12 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

Mattie E. Petty.

7-D-596.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T., December 7, 1900.

Innthe matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Mattie Petty. C. W. Petty being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Bixby.

Q What is your name? A Petty.
Q Have you any other name? A C. W. Petty.
Q What does C. W. Stand for? A Charles William.
Q How old are you? A Twenty three.
Q What is your post-office? A Marsdon, Indian Territory.
Q Where do you live? A I live at Marsden.
Q How long have you lived in the Indian Territory? A About twelve years.
Q Are you a white man and a citizen of the United States or an Indian? A I am an Indian.
Q What kind of an Indian? A Choctaw.
Q How did you get to be a Choctaw Indian? A Well, sir, I don't know. Judge Ralls here can tell you better than I can.
Q You don't know whether or not you have any Indian blood in your veins? A Well, I was admitted at South MaAlester through the courts.
Q Well, are youan Indian? A to the best of my knowledge, I am.
Q When did you first find out that you were an Indian? A I don't know;what year was it Judge - -
Q You didn't find out until Judge Ralls arranged the matter and fixed it up for you did you? A Well, I don't know.
Q All right. What is your father's name? A Petty. E. J. Petty.
Q Is he living or dead? A He's living.
Q He is a Choctaw Indian is he? A No sir.
Q He is a white man? A Yes sir.
Q What is your mother's name? A Mary Elizabeth.
Q Is she living? A Yes sir.
Q She is a Choctaw Indian? A Yes sir, claims to be.
Q She was admitted by judgment of court too? A Yes sir.
Q She was refused recognition by the Dawes Commission? A What was it?
Q The Dawes Commission didn't recognize her, did not admit her to citizenship did it? A I don't know whether it did or not. I wasn't there.
Q Do you know anything at all about your application for citizenship? A No sir, I do not.
Q Your father or mother attended to it? A Yes sir, they attended to it.
Q Have you a copy of the judgment of the United States Court which admitted you to citizenship? A No sir, I haven't.

The name of Charles W. Petty is found on Choctaw roll card field No. 5227.
Examination of papers in the possession of the Commission shews that Charles W. Petty wasadmitted to citizenship in the Choctaw Nation by judgment of the United States Court rendered August 25th, 1897, in the case of E. J. Petty et. al versus the Choctaw Nation. No. 22.

Q What is the name of the lady to whom you are married? A Mattie Petty.
Q That was her maiden name? A Yes sir.
Q Her name now is Mattie Petty? A Yes sir.
Q How old is she? A She is 23, last March I believe.
Q Is she a white woman citizen of the United States? A She's a white woman, yes sir.
Q What is her age? A 23 the 3rd day of last March, I believe
Q What is her post-office? A Marsden.
Q Where does she live? A She lives there about three miles west of Marsden.
Q How long has she lived there? A She has been in that country about six years.
Q What is the name of her father? A J. L. Perry.
Q Is he living? A No sir, he's dead.
Q What is the name of her mother? A Nannie Perry.
Q Is she living? A Yes sir.
Q They were both white people and citizens of the United States? A Yes sir.
Q Did your wife ever claim to be a citizen of any Indian tribe? A Not as I know of.
Q Where were you married? A Marsden.
Q Where is that? A South west of Ardmore, about 15 miles.
Q In the Chickasaw Nation? A Yes sir.
Q You live in the Chickasaw Nation? A Yes sir.
Q How long have you lived there? A About six years and I lived in the Choctaw about six I guess.
Q You have lived in the Chickasaw Nation the last six years have you? A Well, no I haven't. I lived in the Choctaw nation. I have been in the Chickasaw Nation two years the last time.
Q Been living in the Chickasaw Nation for two years? A Yes sir.
Q Just past? A Yes sir, about two years.
Q When were you married do you say? A I was married the 12th of last March was a year ago.
Q The 12th of March, 1899? A Yes sir.
Q Who married you? A I. F Stanford.
Q A minister of the Gospel? A Yes sir.
Q What sort of a license did you procure? xxx United States or Chickasaw? A United States license.
Q Have you copies of your marriage license and certificate with you?

By J. G. Ralls. That is on file with the application for the enrollment of his child.

By Mr. Bixby. Marriage license and certificate on file in Choctaw case No. 5227.

Examination by Melvin Cornish, Esq.

Q Where do you live Mr. Petty? A Marsden, Indian Territory.
Q How far is that from Ardmore? It is south of Ardmore is'nt it? Yes sir.
Q About how far? A About fifteen miles.

By Mr. Bixby. That has all been brought out in the testimony Mr. Cornish.

Myra Young, havin g been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above

entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of sd d proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 7th day of December, 1900.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-646

Muskogee, Indian Territory, March 5, 1902.

Mattie E. Petty,

Marsden, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Mattie E. Petty for enrollment as a citizen by intermarriage of the Choctaw Nation.

D-596.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Mattie E. Petty for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by her counsel, J. G. Ralls, and asks that reference be made to Choctaw Card No.5227 where the husband of the applicant is listed for enrollment and also the marriage license between her and her husband is on file, and that the said marriage license be considered as evidence in this case. This case will be considered by the Commission upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Clarence ? Chatwood
Notary Public.

7-D-596.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie E. Petty for enrollment as a citizen by intermarriage of the Choctaw Nation.

The applicant, Mattie E. Petty, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Chas. W. Petty or Charles W. Petty.

The right of the applicant's husband, Chas. W. Petty or Charles W. Petty, to enrollment as a citizen by blood of the Choctaw Nation having been adversely determined by a decree of the Choctaw-Chickasaw Citizenship Court of October 20, 1904, in case numbered 96 upon the South McAlester Docket of said Court, it is hereby ordered that the application of Mattie E. Petty, for enrollment as a citizen by intermarriage of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

NOV 12 1904

7-B-996

COPY.

Muskogee, Indian Territory, November 12, 1906.

Nettie E. Petty,

Marsden, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1906, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-B-996.

7-D-896

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Mattie E. Petty as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Incl. 7-D-896.

(Copy)

Choctaw D-[illegible].

Muskogee, Indian Territory, March 5, 1902.

Mattie E. Petty,

Marsdon, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles,

Commissioner in Charge.

Register.

CHOCTA D597

Martin Charles

Land and [illegible] to Choctaw [illegible]

SEP 22 1905

CF D598

William Henry Marshall.

Record transferred to
CHOCTAW

CHOCTAW D 599

Robert L. Marshall -

Record transferred to
Choctaw card # 4401

1

CHOCTAW DE

Nancy Marshall

GRANTED

and transmitted

to Choctaw

MAI

CHOCTAW DOC

Minnie Lummer

GRANTED
and transferred
to Choctaw Nation
MAY 1 1885

CHOCTAW D 602

Ida M. McDaniel

Record transferred to
Choctaw

D 603

Louise E Parker

Record transferred to
Choctaw card #1629

CHOCTAW D 604

James W. Hutchings

Record transferred to
Choctaw card # 1013

D 605

James F. Harris.

Record transferred to
Choctaw card # 5705

D 606

William T. Glenn

Record transferred to
Choctaw card # 4242

D 607

Dollie May Ansley

Record transferred to
Choctaw card # 1514

D 608

Laura Davis

Record transferred to Choctaw card # 5691. See also decision of July 20. 1903 filed with Choctaw # 5691

D-609.

Inlis a'ring :-

Record transferred to
7-6044

Nov 1/06.

CHOCTAW D 610

Olivia Muncrief

Record transferred to
Choctaw card # 25

D. 611

Mary Elizabeth Davis

Record transferred to
Choctaw card # 36 jc

D 612

Spencer Lucas.

Record transferred to
Choctaw card # 335

CHOCTAW D 613

Virginia Henson.

Record transferred to Choctaw card #

CHOCTAW D 614

Liddy West

Transferred to Choctaw
#5895 JAN 1905

CHOCTAW D 615

Newcomb B. Taylor

Record transferred to

Choctaw enrl. # 2 [illegible]

D.616

George H Seeley

Record transferred to
Chactaw Card #5[illegible]

8 617

Sudie Lawrence

Record transferred to
Choctaw card #3678

Choctaw D-618
John M. Clayton

John M. Claxton

DECISION RENDERED NOV 4

REFUSED NOV

COPY OF DEC

APPL NOV 4

ACTING SECRETARY OF
CHOCTAW AND CHICKASAW NATIONS

NOV

RECORD FORWARDED TO DEPARTMENT.

NOV

ACTING SECRETARY OF
SECRETARY OF
DEC

NOTICE OF DECISION MAILED
ACTING SECRETARY OF
DEC

NOTICE OF DECISION MAILED
FORWARDED TO CHOCTAW AND
CHICKASAW NATIONS

DEC

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, FEBRUARY 23, 1901.

In the matter of the application of John M. Claxton for enrollment as an intermarried citizen of the Choctaw Nation. John M. Claxton, having been first duly sworn by Acting Chairman, Tams Bixby, testifies as follows:

Examination by the Commission.

Q What is your name? A John M. Claxton.
Q How old are you? A Twenty three.
Q What is your post office address? A Grant.
Q Is that in the Indian Territory? A Yes sir.
Q What Nation? A Choctaw.
Q How long have you resided in the Choctaw Nation? A About three years.
Q Have you maintained a continuous residence in the Choctaw Nation for the past three years? A Yes sir.
Q Where did you live before that? A I lived in Texas a while.
Q What is your father's name? A William P. Claxton.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Louisiana America Claxton.
Q Louisiana America Claxton? A Yes sir.
Q Is she living? A Yes sir.
Q They are both white people? A Yes sir.
Q Have you ever made claim to Indian citizenship by blood? A No sir.
Q Have you ever made any claim to Indian citizenship by blood?
A No sir.
Q Have you ever prior to this time made any application to either the authorities or the United States or the tribal authorities of the Choctaw Nation for enrollment as a citizen by blood or intermarriage of the Choctaw Nation? A Have I done what?
Q Have you ever prior to this time made application to either the authorities of the United States or the tribal authorities of the Choctaw Nation for citizenship or enrollment as a citizen by blood or intermarriage of the Choctaw Nation? A No sir.
Q Is this the first application you have ever made? A Yes sir.
Q You now make application to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q Through whom do you claim this right to intermarried citizenship?
A Who do I claim through?
Q Yes sir. A I claim through my wife.
Q What is her name? A Arizona Oakes.
Q Her name now is Arizona Claxton? A Yes sir.
Q How old is she? A She is sixteen.
Q What is her father's name? A George W. Oakes
Q What is her mother's name? A I don't know.

The records of the Commission examined and the name as Arizona Oakes, the daughter of George W. and Amrrila G. Oakes is found on Choctaw roll card field number 11.

Q When were you married to Arizona Oakes? A The twenty fourth of October last.
Q 1900? A Yes sir.
Q Who married you? A Gibbons.
Q What is the full name? A I don't know what his full name is. G. T.

Gibbons I believe is the way he signed it.
Q Where were you married? A I was married at Mr. Oakes, down near Goodland.
Q Married under a Choctaw license? A No sir.
Q What were you married under? A United States license.
Q Have you your marriage license and certificate with you? A Yes sir.

There is offered in evidence and filed and made a part of the records in this case a marriage license issued by E.J. Fannin, Clerk of the United States Court for the Central District of the Indian Territory, to J. M. Claxton, to marry Arizona Oakes, October 19, 1900; also the certificate of J. P. Gibbons to the marriage of J. M. Claxton and Arizona Oakes on the 24th day of October, 1900; said marriage license and certificate being recorded in book 1 of the marriage records of the United States Court in the Central District of the Indian Territory, page 139.

Q Is this the only marriage ceremony that was ever performed between you and your wife? A Yes sir.
Q Have you ever been married prior to your marriage to her? A No sir
Q Had she ever been married? A No sir.
Q The only marriage that was performed was under the United States license? A Yes sir.

By the Commission:

There is an act of the Choctaw Council passed November 9, 1875, which provides as follows:

"Be it enacted by the General Council of the Choctaw Nation assembled: Any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw Nation, shall be and is hereby required, to obtain a license for the same from one of the circuit clerks or judges of the court of record, and make oath or satisfactory showing to such clerk or judge, that he has not a surviving wife from whom he has not been lawfully divorced; and unless such information be freely furnished, to the satisfaction of the clerk or judge, no license shall issue; and every white man or person applying for a license as provided herein shall, before obtaining the same, be required to present to the said clerk or judge, a certificate of good moral character, signed by at least ten respectable Choctaw citizens by blood, who shall have been acquainted with him at least twelve months immediately preceding the signing of such certificate; and before any license, as herein provided, shall be issued, the person applying shall be and is hereby required to pay to the clerk or judge the sum of twenty five dollars; and be also required to take the following oath:'I do solemnly swear that I will honor, defend and submit to the constitution and laws of the Choctaw Nation, and will neither claim nor seek from the United States government or from the judicial tribunals thereof, any protection, privileges or redress incompatible with the same as guaranteed to the Choctaw Nation by the treaty stipulations entered into between them, so help me God.'"

The act of November 10, 1877 is as follows:

John M. Clarton-5

"Be it enacted by the General Council of the Choctaw Nation assembled: That the act of November 9, 1875, in regard to the intermarriage of white men with a Choctaw woman is hereby so amended, that the County clerk only shall issue license for such marriage, and instead of the white man paying twenty five dollars they shall pay one hundred dollars And the County clerks receiving said one hundred dollars and issuing the license, shall be allowed to retain two and 50/100 dollars of the same as their fees, and the remainder they shall turn into the county treasuries of their respective counties. In all other respects the laws of November 9, 1875, shall be complied with and this act shall take effect and be in force from and after its passage."

Q Is there anything more that you want to say? A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that, as stenographer to the Commisionto the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on February 23, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 27 day of February, 1901.

Charles H. Garrett

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-618

Muskogee, Indian Territory, March 5 1902.

John M. Claxton,

Grant, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

::
:: In the matter of the application ::
:: of John M. Claxton for enrollment ::
:: as a citizen by intermarriage of ::
:: the Choctaw Nation. ::
::

On March 5th the applicant was notified by registered mail, and on March 6, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John M. Claxton for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear, either in person or by attorney.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clara Mitchell Wood

Notary Public.

MARRIAGE LICENSE

No. 278

UNITED STATES OF AMERICA
The Indian Territory,
Central District. } SS

To Any person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. J. M. Claxton of Grant in the Indian Territory, aged 23 years and Miss Arzona Oakes of Grant in the Indian Territory, aged 16 years, according to law, and do you offici lly sign and return this License to the parties therein named.

Witness my hand and official seal, this 21 day of October A.D. 1900.

(Seal) E. J. Fannin
Clerk of the United States Court.

Tho B. Latham
Deputy.

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
Indian Territory,
Central District. } SS

I, J. P. Gibbons, a Minister do hereby certify, that on the 24th day of Oct. A.D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this 24th day of Oct A.D. 1900.
My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book-A-, Page-213.

J. P. Gibbons,
a Minister.

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA }
Indian Territory, { Sct.
Central District. }

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby certify that the License for and Certificate of the Marriage of Mr. J. M. Claxton and Miss Arzona Oakes was filed in my office in said Territory and District the 1st day of November A. D. 1900 and duly recorded in Book 1 of Marriage Record , Page 139
Witness my hand and seal of said Court, at Antlers this 1st day of November A. D. 1900

(Seal) E. J. Fannin,
Clerk.

By Tho B. Latham
Deputy.

FILED
Feb 23 1901
Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. Dec.8, 1902.

7-D618

In the matter of the application of John M. Clinton for enrollment as an inter-married citizen of the Choctaw Nation.

John M. Clinton being sworn testified as follows:

Examination by the Commission:

Q What is your name? A John M. Clinton.
Q How old are you? A Twenty five.
Q What is your post office address? A Hugo.
Q How long have you been a resident of the Choctaw Nation? A About six years.
Q Have you lived here continuously for the past six years? A Yes sir
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim inter married rights in the Choctaw Nation? A That's what I want to see whether I am entitled or not; I was married under the United States law.
Q What is the name of your Choctaw wife through whom you claim? A Arizona Oakes.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Have her rights as such ever been disputed? A No sir.
Q When were you married to Arizona Oakes? A 24th October 1900 I believe
Q Where was this marriage ceremony performed? A At her father's house.
Q Were you married under a license? A Yes, United States license.
Q Did you obtain a tribal license? A No sir.
Q This is the only time you ever have married this woman? A Yes sir.
Q Has there been no separation since that marriage? A No sir.
Q You are at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Henry G. Laine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 8, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Laine

Subscribed and sworn to before me this 31 day of December 1902.

Charles Kobaugh

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. Claxton as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-618.

-x----------x-

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which questions involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations

January 23, 1904.

(Endorsed on back)
Choctaw D-618. In the matter of the enrollment of John M. Claxton as an intermarried citizen of the Choctaw Nation.
PROTEST of Choctaw and Chickasaw Attorneys,
DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D FEB 6 1904, Tams Bixby Chairman.

7-D-618.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. Claxton as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on October 24, 1900 the applicant, John M. Claxton, a white man, was married under an United States license to Arizona Claxton (nee Oakes), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 4267 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and had lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It does not appear from the record herein nor from the records of the Commission that the applicant was ever admitted to Choctaw citizenship by the legally constituted authorities of said nation, nor does it appear that he was ever admitted to such citizenship by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) nor does it appear that he was ever married to his said wife in conformity with the laws, customs and usages of the Choctaw Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of John M. Claxton as a citizen by intermarriage of the Choctaw Nation should be

denied under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

SUBMITTED TO THE FIVE CIVILIZED TRIBES.

Chairman,

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 9 - 1904

Choctaw D 618

Copy.

Muskogee, Indian Territory, November 9, 1904.

John M. Claxton,

Hugo, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, denying the application made by you for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-618.

Choctaw D 618

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, denying the application for enrollment of John M. Claxton as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. 7-D-618.

COPY.

Muskogee, Indian Territory, November 9, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John M. Claxton for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission, dated November 9, 1904, denying said application.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

2 Inel. 7-P-618.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

Land.
79908-1904.

Washington, November 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 9, 1904, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by John M. Claxton.

November 9, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is a white man having no Indian blood; that on October 24, 1900, he was married to Arizona Oakes a recognized and enrolled citizen by blood of the Choctaw Nation, under a United States license and not in accordance with the laws, customs and usages of the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W.A.Jones

Commissioner.

M.M.M.

W.

YP

DEPARTMENT OF THE INTERIOR,

FHE

D. C. 67299-1904.
I.T.D.11804-1904.

WASHINGTON.

December 5, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 9, 1904, you transmitted the record in the matter of the application for the enrollment of John M. Clemton as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting in the matter November 17, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

7-D-618

Muskogee, Indian Territory, December 14, 1904.

John M. Olgerton,

Hugo, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of December 5, 1904 affirmed the decision of this Commission dated November 9, 1904, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

COPY. 7-D-61

Muskogee, Indian Territory, December 14, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of December 5, 1904 affirmed the decision of this Commission dated November 9, 1904, denying the application for the enrollment of John M. Clayton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Choctaw D 618

Muskogee, Indian Territory, February 10, 1904.

John M. Claxton,

Hugo, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

2 619

Lula Everidge

Record Transferred to
Choctaw card # 1767

620

Martha E. Jones

Record Transferred to
Choctaw Card #3475

Choctaw D-621
Cora Lancaster

D-621

D 621

Cora Lancaster

DISMISSED

MAY 13 1904

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of:

CORA LANCASTER ---------- 7-D-621.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 28, 1901.

In the matter of the application of Cora Lancaster for enrollment as an intermarried citizen of the Choctaw Nation. Cora Lancaster, having been first duly sworn, testifies as follows:

Examination by the Commission.

Q What is your name? A Cora Lancaster.
Q How old are you, Mrs. Lancaster? A Eighteen years old.
Q What is your post office address? A Lehigh, Indian Territory.
Q How long have you resided in the Choctaw Nation? A Since 1898, January.
Q Where did you live before that? A In Wolf City, Texas.
Q You have maintained a continuous residence in the Choctaw Nation for the past two years, have you? A Yes sir.
Q What is your father's name? A John Spradling.
Q Is your father living? A No sir, he is dead.
Q What is your mother's name? A Carrie Spradling.
Q Is your mother living? A Yes sir.
Q Your parents both white persons? A Yes sir.
Q Did they ever make any claim to Indian citizenship by blood?
A No sir.
Q Have you ever made any claim to Indian citizenship by blood?
A No sir.
Q Have you ever prior to this time made application to either the authorities of the United States or the tribal authorities to be enrolled as a citizen by blood or intermarriage? A No sir.
Q You now make application to be enrolled as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Through whom do you claim this right? A Through my husband, Robert Lancaster.
Q How old is he? A He is twenty.
Q What was his father's name? A Hiram Lancaster.
Q What is your husband's mother's name? A Margaret.

The records of the Commission examined and the name of Robert B. Lancaster, nineteen years of age, the son of Hiram and Margaret Lancaster is found upon Choctaw roll card field number 4425, he having been listed for enrollment on September 2, 1899; the name ofRobert B. Lancaster is not found upon any of the tribal rolls of the Choctaw Nation, but he was admitted to citizenship inthe Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory August 24, 1897, in court case Number 25.

Mrs Lancaster when were you married to Robert B. Lancaster?
A December 12, 1900.
Q Who married you? A James D. Catlin, a minister here.
Q Have you any certificate of your marriage? A Yes sir.

There is offered in evidence and made a part of the records of this case a certificate of James D. Catlin, a minister of the gospel as to the marriage of Robert Ray Lancaster of Lehigh, Indian Territory to Cora Spradling at Atoka, Indian Territory, December 12, 1900. There is no

evidence of recording by the tribal authorities of the Choctaw Nation of the marriage certificate.

Thirty days time is granted applicant in which to file with the Commission evidence of the recording of the above marriage certificate.

Q Mrs. Lancaster, were you ever married before this marriage by Mr. Catlin? A No sir.
Q Never married under the United States law to your husband? A No sir
Q Has your husband ever been married before this? A No sir.
Q This is the first marriage ceremony ever performed between you and your husband? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that, as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on February 23, 1901, and that that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell.

Subscribed and sworn to before me this 27 day of February, 1901.

Charles H Sawyer.
Notary Public.

FEB 23 1901

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Cora Lancaster for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-621.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Cora Lancatser for enrollment as a citizen of the Choctaw nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clarence Hellwood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-621

Muskogee, Indian Territory, March 5, 1902.

Cora Lancaster,

Lehigh, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

Register.

Dbh

7-D-621.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Cora Lancaster for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Cora Lancaster, nee Spradling, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Robert B. Lancaster. The right of the applicant's husband, Robert B. Lancaster, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 82, upon the South McAlester docket of said court, it is hereby ordered that the application of Cora Lancaster for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 13 1904

Choctaw D-621.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Cora Lancaster,

Lehigh, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-621.

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Choctaw D-621.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Cora Lancaster for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
(SIGNED)

Tams Bixby.

Chairman.

Encl. 7-D-621.

Entitlement

F D 681

Muskogee, Indian Territory, March 28, 1902.

R. B. Lancaster,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date requesting the return of the certificate of marriage between yourself and your wife Cora Lancaster, which was filed with the records of the Commission in the matter of her application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that your request cannot be complied with as it is necessary that this evidence of marriage be retained with the records of the Commission [illegible] matter of her application.

A certified copy of the same however will be furnished you upon request stating your reasons for requiring the same.

Yours truly,

Commissioner in Charge.

T-4486
T-D-621.

Muskogee, Indian Territory, August 18, 1902.

J. W. Griner,

Ireton, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of the 7th instant, in which you desire to be informed whether W. H. Lancaster, of Lehigh, Indian Territory, is a citizen of the Choctaw or Chickasaw Nation, and if so how many allotments he is entitled to.

In reply you are advised that it does not appear from the records of the Commission that any person by the name of W. H. Lancaster has ever been listed for enrollment by this Commission as a citizen of either the Choctaw or Chickasaw Nation.

The records do show, however, that Hiram Lancaster, forty-three years of age, of Lehigh, Indian Territory, his wife, Margaret Lancaster, and their minor children, Robert E., Knox R., Harry and Rose Lancaster, were, on September 2, 1893, listed for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Central District of Indian Territory, rendered at South McAlester, on August 24, 1897, Choctaw citizenship case No. 26.

It further appears from the records of the Commission that

J. W. C., R.

on February 23, 1901, Cora Lancaster made application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation claiming her right through her marriage to Robert B. Lancaster above referred to.

If these are not the parties concerning whom you inquire, and you will furnish the Commission with further information as to the full name of the W. H. Lancaster regarding whom you inquire, his age, the time and the place he claims to have made application to the Commission, the matter will receive further consideration.

Yours truly,

Acting Chairman.

7-D 621

Muskogee, Indian Territory, November 7, 1903.

R. B. Lancaster,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2 instant, in which you state that you have just returned from the Land Office at Tishomingo, Indian Territory, where you find that your wife, Cora Lancaster, is not on the Court Claimants book and they refused to allow you to designate her allotment until so instructed by this office.

In reply to your letter you are informed that it appears from our records that Cora Lancaster is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation by virtue of her marriage to Robert B. Lancaster who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 24, 1894 in Court Case (Citizenship Docket), number 28.

Respectfully,

Chairman.

7-R-621.

Muskogee, Indian Territory, October 6, 1904.

Mrs. Robert B. Lancaster,

Lehigh, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 4th instant, requesting the return of the original certificate of marriage between Robert Baw Lancaster and Cora Spradling.

In compliance with your request said document is enclosed you herewith.

Respectfully,

Enc. R. B. 8-6

Chairman.

This is to certify that I, James D. Catlin, a minister of the Gospel, on the 12th day of December, 1900 A.D. did perform the rite of matrimony between Mr. Robert Baw Lancaster, of Lehigh, Indian Territory, age 20 years and Miss Cora Spradling of Lehigh, Indian Territory, age 18 years, at Atoka, Indian Territory.

(Signed) James D. Catlin.

A minister of the Gospel.

Dec. 18-1900.

I, C. H. Sawyer, a Notary Public in and for the Central District of the Indian Territory, do hereby certify that the above and foregoing is a full, true and correct copy of a marriage certificate filed with the records of the Commission to the Five Civilized Tribes in the matter of the application of Cora Lancaster for enrollment as an intermarried citizen of the Choctaw Nation, on February 23, 1901. Witness my hand and seal this 23rd day of February, 1901.

Charles H. Sawyer

Notary Public.

Choctaw 4426

This is to certify that
the within was duly
recorded in my
office in Book
Page 359 of Choctaw
County Records
This 2 day of 33rd 1901

R W Harrison
County Clerk of
Choctaw County
Choctaw Nation

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 4 1901

D

Le Hore

Gertrude

Transferred to Choctaw

#2783 JAN 2 1905

D. 62

Florence H. Le Flore

Record transferred to
Chactaw Card # 5[illegible]

D-

Emma Patterson

Refused as a citizen by blood and identified as a Mississippi Choctaw September 10-1906.

Withheld for further action pending action of Prosecuting Attorney for Choctaw Nation in matter of all persons claiming under act of Choctaw Council admitting J T Barnes et al Oct 24-1888

DECISION RENDERED

SEP 10 1906

COPY OF DECISION FORWARDED APPLICANT

SEP 1 1906

COPY OF DECISION FORWARDED ATTORNEYS CHOCTAW AND CHICKASAW NATIONS

SEP 10 1906

RECORD FORWARDED DEPARTMENT

SEP 1 1906

ACTION APPROVED BY SECRETARY OF INTERIOR FEB 28 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS MAR 18 1907

Transferred to M & R Jacket
7445

Edwin A. Maulding

Record transferred to

CHOCTAW! #

CHOCTAW D 62

Emer Mildred H. Poland

Transferred to Choctaw
#5896 JAN 1905

D 627

Minnie Ann Dreton

Record transferred to

CHOCTAW #5805

D 628

Allia Dodson.

Record transferred to
Choctaw card #2546

D 629

Jasper C Plank.

Record transferred to
Choctaw card #1402

Choctaw D-630

Minnie Marrs

D-630

Minnie Marrs

DISMISSED

MAY 13 1904

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

Record in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of:

MINNIE MARRS ---------- 7-D-630.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MAY 14, 1901.

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In the matter of the application of Minnie Marrs for enrollment as a citizen by intermarriage of the Choctaw Nation. Minnie Marrs, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Minnie Marrs.
Q How old are you? A 20.
Q What is your post office address? A Indianola.
Q Indian Territory? A Yes sir.
Q Choctaw Nation? A Yes sir.
Q What is your father's name? A Henry McElhany.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is your mother's name? A Sarah McElhany.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Did you ever claim to be an Indian? A Well, my father's folks claim to be Cherokee Indians. Part of his folks have their right proved up, but he never did get his right proved up.
Q Did you ever claim to be an Indian? A Yes sir.
Q Did you ever claim citizenship in any tribe? A No sir.
Q Your father is a white man, you say? A Yes sir, he is white.
Q Is he a citizen of the United States? A Yes sir.
Q Is your mother also a citizen of the United States? A Yes.
Q Did either of them ever claim to be Indians? A Well Pa does.
Q To what tribe does your father claim to belong? A Cherokee.
Q Do you know if his name appears upon the Cherokee rolls?
A No sir.
Q Whereabouts does your father live? A Lives at Indianola.
Q How long has he lived there? A 11 years.
Q You wish to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q To whom are you married? A John Marrs.
Q Is he a Choctaw Indian? A Yes sir .
Q Do you know to what county in the Choctaw Nation he belongs?
A Yes sir.
Q What county is it? A Tobucksy County.

An examination of the records of the Commission show that John Marrs, 25 years of age, was listed for enrollment as a Choctaw Indian by blood on Choctaw Roll Card, Field No. 4784.

Q When were you married? A Last day of December.
Q Last year? A Yes sir.
Q Where? A Indianola.
Q Who married you? A Rev. McCarson.
Q Is he a minister of the Gospel? A Yes sir.
Q Did you procure a marriage license? A Yes sir.
Q Was it a United States marriage license? A Yes sir.
Q Have you your marriage license with you? A Yes sir.
Q Do you wish to offer it in evidence? A Yes sir.

Marriage license issued by E. J. Fannin, clerk of the United States Court for the Central District, Indian Territory, South McAlester, December 31, 1900, offered in evidence, placed on file, and made a part of the record in this case.

Q Were you ever married to any person before? A No sir.

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John Marrs, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A John Marrs.
Q What is your age? A 27.
Q Where do you live? A Indianola.
Q Indian Territory? A Yes sir.
Q Choctaw Nation? A Yes sir.
Q How long have you lived in the Choctaw Nation?
A About 14 years I believe it is.
Q Are you a Choctaw Indian ? A Yes sir.
Q Are you on the rolls of the Choctaw Nation? A Yes sir.
Q When and where were you enrolled? A I enrolled at Canadian, but I do not remember just how long it has been.
Q Do you remember the year? A About two years ago, I believe.
Q Were you admitted to citizenship in the Choctaw Nation by the United States Court at South McAlester? A Yes sir.
Q Do you know in what case? A No, I do not.
Q Do you know the names of any of the other parties admitted in the same case? A My folks.
Q Give the names? A There is mother, Jane Marrs, Judge Hamilton.
Q What was your father's name? A J. R. Marrs--Jerry Robert Marrs.
Q Was he a Choctaw Indian by blood? A No sir, he was a white man.
Q Is he living? A No sir.
Q When did he die? A 24 years ago.
Q What is the name of your mother? A Jane Marrs.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Yes sir.
Q Her name upon the Choctaw rolls? A Yes sir.
Q In what county does she belong? A Tebucksy County.
Q Was she admitted by the United States Court for the Indian Territory at South McAlester, to citizenship in the Choctaw Nation? A Yes sir.

The Court Records examined and the name of John Marrs appears as admitted to citizenship by blood in the Choctaw Nation in pursuance of a judgment rendered by the United States Court at South McAlester, Indian Territory, January 29, 1898, in Court Case No. 88, Jane Marrs, et al., vs. Choctaw Nation.

Q Are you the identical John Marrs that is said to be admitted in this judgment? A Yes sir.
Q Are you married? A Yes sir.
Q To whom? A Minnie Marrs.
Q What was your wife's maiden name? A Minnie McElhany.
Q Were you ever married before? A No sir.
Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.
Q Have you ever held any office in the Choctaw Nation? A
A No sir.
Q Do you hold lands? A No sir. I had a little place and sold it. I hold lands but I havn't got any put in.
Q You rent? A Yes sir.

Ellenie Burr——8——

Q You have always exercised the rights of a Cherokee citizen?
A Yes sir.

——Do——

Into be Bird, having been duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of all proceedings had on said date in said cause.

Kate D'Bird

Subscribed and affirmed to before me this 24 day of May, 1901.

J. S. Dadson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 14 1901

ACTING CHAIRMAN

No. 1.17

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY, } SCT:
~~DISTRICT~~

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. John Mays and Miss Minnie McElhaney, was filed in my office in said Territory and District the 3 day of June A. D. 1901 and duly recorded in Book A of Marriage Record, Page 285

WITNESS my hand and seal of said Court, at Ada, I.T. this 3 day of June A. D. 1901

E. J. Fannin
Clerk

By ..... Deputy.

7—800

No. 7779

Form No. 508.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **Banns of Matrimony** between Mr John Mars of Indianola in the Indian Territory, aged 26 years, and Miss Minnie McElhaney of Indianola in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 31st day of Dec, A. D. 1900

[illegible]
Clerk of the United States Court.

Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
DISTRICT. } ss:

I, J. C. McCarson a minister of the gospel do hereby CERTIFY, that on the 31 day of Dec, A. D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 31 day of Dec, A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, ~~Central~~ Northern District, Book A, Page 57

J. C. McCarson
a minister of the gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Minnie Marrs for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-630.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Minnie Marrs for enrollment as a citi zen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appeared in person and submitted her cause upon the evidence and record as now made up and on file.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Mamie Hillwood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-630

Muskogee, Indian Territory, March 5, 1902.

Minnie Marrs,

Indianola, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles

Commissioner in Charge.

7-D-630.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

In the matter of the application of Minnie Marrs for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Minnie Marrs, nee McElhany, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one John Marrs. The right of the applicant's husband, John Marrs, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 109, upon the South McAlester docket of said court, it is hereby ordered that the application of Minnie Marrs for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 13 1904

/

Choctaw D-630

COPY!

Muskogee, Indian Territory, May 13, 1904.

Minnie Marrs,

Indianola, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered?

Incl. 7-D-630.

Choctaw D-630.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Minnie Marrs for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-630.

Choctaw D-631

James Haggard

D-631

CHOCTAW

NO.

James Naggard

DECISION RENDERED.

FILED

COPY OF DECISION FORWARDED TO ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

COPY OF DECISION FORWARDED TO ATTORNEY FOR APPLICANT.

COPY OF RECORD FORWARDED TO APPLICANT.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

Nov. 22/06.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

9001 - 030

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

1906

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 14, 1901.

In the matter of James Haggard for enrollment as an intermarried citizen of the Choctaw Nation. James Haggard, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A James Haggard.
Q How old are you? A 62 next August.
Q What is your post office address? A Hartshorne.
Q Choctaw Nation? A Yes sir.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Choctaw Nation? A About 50 years. I think I was about 12 years old when I came into the Choctaw Nation.
Q Have you maintained a continuous residence there for that length of time? A Oh yes. I was out maybe six months at a time on business, but I made this my home.
Q Have you been outside of the Indian Territory in the last three years? A No sir, I have not.
Q What is your father's name? A Richard Haggard.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Haggard.
Q Is she living? A No sir.
Q Were ther both white people? A Yes sir.
Q Did either of them ever make any claim to Indian citizenship?
A My mother has. My mother claimed to be Choctaw, but that is a matter that has not been decided yet.
Q Did your mother ever make application for enrollment as a citizen of the Choctaw Nation, do you know? A No, I don't, she never has unless it is in the Tucker and Glenn case, pending in the United States Court now, as I understand it.
Q Have you ever made any claim to Indian citizenship by blood?
A Why, I have been on that roll, that Tucker and Glenn roll.
Q Have you ever made any claim to Indian Citizenship by blood?
A Why no, I never have filed any claim just individually, by myself.
Q Have you ever made any claim by intermarriage before this
Q time? A No sir.
Q This is the first application you have ever made for recognition as an intermarried citizen of the Choctaw tribe of Indians, before the Commission to the Five Civilized Tribes?
A Yes sir.
Q Did you ever make application to the tribal authorities of the Choctaw tribe, for admission as an intermarried citizen?
A No sir.
Q You are now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Through whom do you claim the right to enrollment?
A I claim it thorugh my wife, of course.
Q Through your present wife? A No, I haven't got any wife at all now, it is just me alone. I claim it under my second wife.
Q How many times have you been married since you lived in the Choctaw Nation? A Three times.
Q How many of the women that you married were Choctaw Indians?
A Mary one, that I know about.

Q Through which one of these women do you claim the right to enrollment as an intermarried citizen?
A Margaret Wade.
Q When did you marry Margaret Wade? A It is in 1881 I think- I won't be positive--'81 or '82, in May.
Q Did you marry her under a Choctaw license? A Yes sir.
Q Who issued the license? A Jerry Ward, the Circuit Judge.
Q Who performed the marriage ceremony? A Jerry Ward.
Q Was he an officer of the Choctaw Nation? A Circuit Judge.
Q Whereabouts did he live? A In Schullyville County.
Q Was Margaret Wade a citizen of the Choctaw Nation by blood?
A I don't think she was. Intermarried.
Q Was she an intermarried citizen of the Choctaw Nation?
A Yes sir, she was a married citizen.
Q To whom had she been married? A Cunningham Wade.
Q Was Cunningham Wade a Choctaw Indian by blood?
A Yes sir.
Q Was he dead at the time that you married Margaret Wade?
A Yes sir.
Q Is Margaret Wade still living? A Yes sir, as far as I know she is.
Q How long did you live with her after you had been married to her? A I expect about 14 years.
Q Were you and she divorced? A Yes sir.
Q When ? A About 5 years ago, in the United States Court, she sued and got a divorce.
Q She sued and got a divorce in the United States Court?
A Yes sir.
Q On what grounds did she sue for divorce? A I could not tell you. I would not be positive, but as well as I remember as the charges were read to me, that I had just deserted her without her knowing anything about it, and that is as I remember it, and I was going to object to it, and they told me not to do it.
Q After you were divorced from Margaret Wade, were you married again? A Yes sir.
Q When? A In the fall following.
Q To whom? A To Widow Bell.
Q Was she a white woman? A Yes sir.
Q Was she a citizen of the Choctaw Nation? A No sir, didn't claim any.
Q Have you any evidence of your marriage to Margaret Wade?
A Why, I lost my certificate, I had it but I gave it to a lawyer, and he has made away with it, and I cannot find it at all, I can prove it, I can bring proof.
Q Do you know whether the name of Margaret Wade appears upon the rolls of the Choctaw Nation or not? A No, I don't.

The name of Margaret Wade appears upon the Choctaw roll of intermarried citizens, census record of 1896, page 402, No. 15149.

The name of Margaret Wade also appears upon Choctaw roll card, Field No. D-290.

Q After your marriage with Margaret Wade and from that time until now, have you always been recognized as a citizen of the Choctaw Nation? A Yes sir.
Q Have you ever held any office of any kind? A Yes sir, I have been deputy sheriff.
Q Of what county? A Schullyville County.
Q When was that? A That was long about 1888 sometime, I I held it four years there under Jim Bernell and then Bob Owen. Bob Owen was sheriff first and I held it under him and Jim Bernel was then elected sheriff and I was elected deputy under him.

Q Is there any further statement that you want to make?
A Only, I have always been recognized, and taken the oath of allegiance and lived here about fifty years, and never had no kick since I married in among them 14 years ago, and since I was married they never had any kick coming against me, only to come before young. And about the marriage license, I would like for you to take the statement of other people that knows these things. I have the county judge's statement here and the mayor of the city that knows these things, and the county sheriff, and he knew I got the license out according to law.

(Applicant hands paper to Commissioner)

I never have been refused to vote but one time, and I was judge of election then and it was just after I was married, and I have voted here ever since.

Q This has never been sworn to. (Commissioner returns paper.

The decision of the Commission with reference to your application for enrollment as an intermarried citizen of the Choctaw Nation, will be mailed to you at your present post office address.

——oOo——

Kate De Bord, having been first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of all proceedings had in said cause, on said date.

Kate De Bord

Subscribed and affirmed to before me this 29" day of May, 1902.

J. S. Dodson
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-631

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 5, 1902.

James Haggard,

Hartshorne, Indian Territory.

You are hereby notified that the application of your for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles,
Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 18, 1902.

In the matter of the application of James Haggard for enrollment as a citizen by intermarriage of the Choctaw Nation.

D-631.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of April, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of James Haggard for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

---:---

Hal Bolford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 18, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Bolford

Subscribed and sworn to before me this 18 day of April, 1902.

Clarence Hillwood

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory,
March 10, 1903.

Choctaw D 631:
Intermarried--

-1-

In the matter of the application for the enrollment of James Haggard as an intermarried citizen of the Choctaw Nation.

-1-

JAMES HAGGARD being first duly sworn testifies:

EXAMINATION BY THE COMMISSION:

Q What is your name ? A James Haggard.
Q How old are you ? A Fifty three next August.
Q What is your post office address ? A Hartshorne.
Q That is in the Choctaw Nation ? A Yes, sir.
Q How long have you resided in the Choctaw Nation ? A Well I will tell you -- I have been here pretty near all my life.
Q When did you first come here ? A Well let me see -- I guess that I was about ten years old.
Q Have you lived here ever since that time ? A No, sir, I was out one year during the War.
Q Have you been out of the Indian Territory since that time to establish a residence and make a home ? A Yes, sir, after the war I lived about eight or ten months in the States.
Q What state ? A Arkansas.
Q And then you came back to the Choctaw Nation ? A Yes, sir.
Q Since that time have you lived continuously in the Choctaw Nation ? A Yes, sir.
Q Are you a white man ? A I do not claim that.
Q Do you claim a right as a citizen by blood of any Indian Tribe ? A No, sir.
Q You have never proved any claim as a citizen by blood ? A No, sir.
Q Do you now claim the right to enrollment as a citizen of the Choctaw Nation by intermarriage ? A Yes, sir.
Q What is the name of your Choctaw wife through whom you claim this right ? A Margaret Wade.
Q Is she a recognized and enrolled citizen of the Choctaw Nation ? A Yes, sir, I suppose so.
Q Is she still living ? A Yes, sir.
Q Have you ever heard her rights to enrollment questioned ? A I heard that she did enroll at Wister, Choctaw Nation.
Q When were you married to Margaret Wade ? A In 1881.

Q There was this marriage ceremony preformed ? A Skullyville County.
Q At the time of this marriage were both you and your wife bona fide residents of the Choctaw Nation ? A Yes, sir.
Q Were you married in accordance with the Choctaw tribal laws ? A Yes, sir.
Q How much did you pay for that license ? A Paid twenty five dollars for it.
Q From whom did you obtain that license ? A Jerry Ward.
Q Was he a Choctaw official ? A Yes, sir.
Q What position did he occupy ? A Circuit Judge.
Q Who preformed the marriage ceremony ? A Jerry Ward.
Q Were you ever married before you were married to Margaret Wade ? A Yes, sir.
Q How many times ? A Once.
Q What was the name of your former wife ? A Adams.
Q Was she dead at the time of your marriage to Maragret Wade ? A Yes, sir.
Q Was Margaret Wade ever married before her marriage to you ? A Yes, sir, to Cunningham Wade.
Q Was he dead at the time of your marriage to Margaret Wade ? A Yes, sir.
Q After your marriage how long did you live together continuously as husband and wife ? A Fourteen years.
Q At the end of that time did you separate or did she die ? A She quit me.
Q What was the cause of this separation ? A I guess that it was what Dr. Bailey told me. He said that she was on the change of life and that she would be jealous of me and ever one. She was jealous of me and did not treat me right. I lived there in the house with her eight months after we separated.
Q Did you leave her or did she leave you ? A Yes, sir, she left me.
Q Did she give you any reason for leaving you ? A Yes, sir; hehe said that I was running after ever woman in the country and even little children.
Q Did she obtain a divorce from you ? A Yes, sir.
Q Where ? A Gamaren, in the United States Court.
Q What were the grounds alleged in her petition ? A I told the lawyer that if it was nothing disgraceful to let it go and the plea was that I deserted her.
Q That you had deserted her ? A Yes, sir, I did not do it. I denied it then -- then I said just let her go.
Q Where were you living during this marriage ? A Skullyville County.
Q You have a home there ? A Yes, sir, I did have.
Q Did you always furnish her with sufficient support ? A yes, sir.
Q She left your house there ? A No, sir, I left her right there -- I built the house and told her that I would give it to her.
Q What was the date of this divorce ? A I could not tell you.
Q How many years ago ? A About eight years ago.
Q Since your divorce from this woman have you remarried ? A Yes, sir.
Q What is the name of your third wife ? A Sarah Edwards.

Q Is she a white woman ? A Yes, sir.
Q She claims no Indian blood ? A No, sir.
Q When were you married to her ? A About '96 or '97.
Q How long did you live with her ? A Two years and she quit me.
Q Are you divorced from her ? A No, sir.
Q You have never remarried ? A No, sir.
Q You are at present an actual and bona fide residents of the Choctaw Nation ? A Yes, sir, I reckon -- I have been there all my life.
Q At the present time you are an actual and bona fide resident of the Choctaw Nation ? A Yes, sir.
Q Was there any thing in your conduct towards your wives that made them leave you ? A No, sir, not that I know of -- Dr. Bailey of Fort Smith told me that she would do it.
Q What was the cause of your third wife leaving you ? A Yes, she had some whildren and we could not get along and she wanted to go into some other business I guess. But she is not doing very well now.
Q Have you any evidence of your marriage to Margaret Wade ? A No, sir, I got it lost by giving it to the lawyer to send to the Dawes and he lost it.
Q What court did you get that license from ? A Circuit Judge of Skullyville County.
Q Did you ever attempted to get a certified copy of that license ? A No, sir, I never have -- I sent one up to the Dawes Commission about two years ago now -- I sent the license to Washington and they said they sent it back to me and I gave them the license -- copy of the license and the letter at South Town.
Q What became of your marriage certificate ? A I only had the license.
Q Didn't the Judge that married you give you a certificate of marriage ? A No, sir, I paid twenty five dollars for the license and the Judge married us and then I went to the Clerk of the Court and just had them recorded and the records were burned up.

The Commission has no evidence of your marriage to this woman, Margaret Wade, and it will be necessary for you to supply some affidavits to this fact. That you obtained a Choctaw license and that you were married thereunder.

Q Do you understand that now ? A Yes, sir.

EXAMINATION BY S. R. LEWIS Choctaw Commissioner.

Q Was Judge Ward Circuit Judge then ? A Yes, sir.
Q He served one term as County Clerk ? A Yes, sir, but he was Circuit Judge then.
Q Now this woman that you are speaking about marrying -- she was a white woman and the widow of Cunningham Wade ? A Yes, sir.
Q She was a white woman ? A Yes, sir.

EXAMINATION BY THE COMMISSION:

James Haggard 4

Q. This Margaret Wade was a white woman ? A. Yes, sir.
Q. And she claims by intermarriage ? A. Yes, sir.
Q. She claims only by intermarriage ? A. Yes, sir.
Q. Was her name ever on the tribal rolls as a citizen by blood of the Cherokee Nation ? A. No, sir.
Q. Was yours ? A. No, sir.

-4-

Fred V. Kinsade being first duly sworn on oath states that he reported in full the proceedings had in the above entitled cause at Atoka, Indian Territory, March 10, 1903; that the above and foregoing is a true, full and correct transcription of his stenographic notes as taken therein on said date.

Fred V. Kinsade

Subscribed and sworn to before me this 5 day of April 1903.

Chas. Hebanyer

Notary Public.

COPY.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-631.

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court, in the case of Joanna Nickle et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Endorsed:
Choctaw-D-631.
In the matter of the enrollment of
James Haggard as an intermarried
citizen of the Choctaw Nation.
Protest of
Choctaw and Chickasaw Attorneys.

Department of the Interior
Commission to the Five Civilized Tribes
Filed Feb 6, 1894
Tams Bixby, Chairman.

C O P Y .

The Choctaw Nation
County of Skullyville

Office of County Judge, April 22,
A. D., 1880.

To all whom these presents shall come, Greeting:
Know ye that whereas James Haggard, a citizen of the United States and state of Arkansas, have this day made application to me the undersigned for a license to contract and consummate marriage with one Margaret Wade, a citizen of Skullyville county, Choctaw Nation,

Now therefore by virtue of the authority in me vested by the constitution and laws of the Choctaw Nation, do hereby grant to the said James Haggard a License for the purpose, and in compliance with the facts set forth in said application.

Given under my hand and signature the day and date above written.

Jeremiah Ward
County Judge of Skullyville County, C.N.

I do certify that Inhave joined together in the bonds of matrimony the following named persons towit, James Haggard and Margaret Wade this April 22", 1880.

Jeremiah Ward
County Judge of Skullyville County, N. N.

I hereby certify the above to be a true and correct copy of the original presented to me for record.

This May 15", A. D., 1880.

R. J. Ward, County Clark.

I, L. R. Moore Clerk of Skullyville county, Choctaw Nation do certify that the above is a true and correct copy of the records in file in this office.

Given under my hand and seal of office this April the 21" 1905.

(Signed) L. R. Moore,
Clerk of Skullyville County, Choctaw Nation.

(SEAL).

Department of the Interior
Commission to the Five Civilized Tribes
Filed May 6, 1905.
Tams Bixby, Chairman.

7-D-631.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 14, 1901, James Haggard appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage on April 22, 1880, to Margaret Wade, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as No. 1270, upon the list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior December 30, 1904.

It appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Joe B. Glenn, et al., vs. the Choctaw Nation," (1896 Choctaw Citizenship Docket Case No. 201), the applicant, James Haggard, among others, made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation as a citizen by blood, and on December 2, 1896, the said James Haggard was, by the Commission to the Five Civilized Tribes, denied admission to citizenship as a citizen by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken by the applicant, to the United States Court for the Central District of the Indian Territory, which court, in the case entitled, "Joseph B. Glenn, et al., vs. the Choctaw Nation," (Choctaw Citizenship Case No. 61), affirmed the decision of said Commission.

It further appears from the records in the possession of said Commission that thereafter an appeal was taken by the applicant, to the Choctaw and Chickasaw Citizenship Court, created under the Act of Congress, approved July 1, 1902 (32 Stats., 641), for a trial de novo, which court, on October 20, 1904, in the case entitled, "Joseph B. Glenn, et al., vs. Choctaw and Chickasaw Nations," (Choctaw-Chickasaw Citizenship Case No. 75, South McAlester Docket), rendered its decision therein denying the application of the applicant for citizenship in the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of this office, that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation.

I am, therefore, of the opinion that in accordance with the opinion of the Assistant Attorney General for the Department of the Interior, of January 28, 1905 (I.T.D. 11562-1904), in the Choc-

The above [illegible] case of Emma Kelsey, the [illegible] for the [illegible] of Jesse Kelsey as a citizen by [illegible] of the [illegible] approved June 28, 1898 (30 Stats., [illegible] it is [illegible] ordered.

[illegible] Commissioner.

Muskogee, Indian Territory,

MAR 16 1906

7-D-631

COPY.

Muskogee, Indian Territory, March 16, 1906.

James Haggard,

Earlsborro, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-631.

7-D-631

COPY.

Muskogee, Indian Territory, March 16, 1906.

W. N. Redwine,
Attorney at Law,
South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

Registered.
Incl. 7-D-631.

7-D-631

Muskogee, Indian Territory, March 16, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall

Acting Commissioner.

Incl. 7-D-631.

COPY.

Muskogee, Indian Territory, March 16, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 16, 1906, denying said application.

Respectfully,

Wm. O. Beall
Acting Commissioner.

2 Incl. 7-D-631.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, GRW
WASHINGTON. November 22, 1906 LLB

I.T.D.21244-1906
LHS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 16, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting October 24, 1906 (Land 24834), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc and 2 to Ind Of

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 24,1906

Refer in reply to the following
Land
24234-1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 28, 1905 (I.T.D. 11882-1904), this Office has the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated March 16, 1906, transmitting the record relative to the application of James Haggard for enrollment as a citizen of the Choctaw Nation.

On May 14, 1901, James Haggard made application for enrollment as a citizen by intermarriage claiming this right by virtue of his marriage to Margaret Wade on April 22, 1859.

On March 16, 1906, the Commissioner held that the above named applicant was n t entitled to enrollment as a citizen of the Choctaw Nation.

The record shows that Margaret Wade was a recognized citizen of the Choctaw Nation and was identified as No. 1270 on a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats.,641) of persons entitled to enrollment as a citizen by intermarriage of the Choctaw Nation and approved by the Department December 30, 1904.

The record further shows that on September 7, 1896 in the case entitled Joseph B. Gleason, et al. vs. the Choctaw Nation (1896 Choctaw Citizenship Docket Case No. 261) the applicant, James Haggard, among others, made an original application to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats.,321) for admission to citizenship in the Choctaw Nation as a citizen by blood and on December 21, 1896, James Haggard was denied admission as a citizen by blood and an appeal was taken by the applicant to the U.S.Court for the Central District of the Indian Territory, which court in the case entitled Joseph B. Gleason, et al vs. the Choctaw Nation(Choctaw Citizenship case No. 61), affirmed the decision of the Commission.

The record further shows that the applicant was never enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by any duly constituted court or committee of that Nation.

This case comes within the opinion of the Assistant Attorney General of the Department of January 28, 1908 (I.T.D.11582) above referred to, in the case of Emma McKinnnin, holding that citizenship by intermarriage cannot be established by showing a marriage to an intermarried citizen. The decision of the Commissioner is therefore recommended for approval.

Very respectfully,

C.F.Larrabee
Acting Commissioner

HRB BHG

T-D-632

Muskogee, Indian Territory, December 6, 1906.

Jesse Haggard,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Jesse Haggard as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

9-3-621

Muskogee, Indian Territory, December 6, 1906.

W. M. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of James Haggard as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 22, 1906, above referred to.

Respectfully,

Acting Commissioner.

LM 6/6

7-D-631

Muskogee, Indian Territory, December 6, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 22, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of James Waggard as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 22, 1906 above referred to .

Respectfully,

LM 7/6

Acting Commissioner.

Choctaw D 631

Muskogee, Indian Territory, February 18, 1904.

W. H. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 10, relative to the application of James Haggard for enrollment as an intermarried citizen of the Choctaw Nation, and inclosing a letter from the said James Haggard with information relative thereto.

In reply to your letter you are advised that it appears from our records that James Haggard is an applicant for enrollment as an intermarried citizen of the Choctaw Nation, but his final right to such enrollment has not yet been determined, and on February 6, 1904, there was filed with the Commission under the authority granted by the Secretary of the Interior in a letter to the Commission of November 18, 1903, the protest of the attorneys for the Choctaw and Chickasaw nations, dated January 23, 1904, in which they request that final action in this case be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al. versus the Choctaw and Chickasaw Nations in which the said court will decide the question of whether white persons, the widows or

W E R S

widowers of deceased Choctaw or Chickasaw spouses can confer rights of citizenship upon white husbands or wives when they may marry, which is the question involved in this case, so they allege.

It appears from the testimony of James Haggard before the Commission that the Choctaw wife through whom he claims intermarried rights was Margaret Wade, a white woman, the widow of Cunningham Wade, a Choctaw Indian.

The letter of James Haggard is herewith returned.

Respectfully,

Commissioner in Charge.

AB 3-18

7 D-551

Muskogee, Indian Territory, May 8, 1905.

W. N. Redwine,
Attorney at Law.
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, 1905, inclosing certified copy of marriage license and certificate between James Haggard and Margaret Wade, which you offer in support of the application for the enrollment of James Haggard as an intermarried citizen of the Choctaw Nation and the same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

10.0.8.

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH, SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D 631

Muskogee, Indian Territory, February 10, 1904.

James Haggard,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-D-631

Muskogee, Indian Territory, February 27, 1903.

James Haggard,

Martaherne, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Uncalled for
Home Enr. Thomas

FILED
APR 2 1906
Commissioner

21851
2-317

THE DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, IND. T.
MAR 17 1906
REGISTERED

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

241

James Haggard,

Hartshorne, Indian Territory.

7-8-64

APR
1
1966

8 632

Mollie Belle McAlvin

Record transferred to
Choctaw card #[illegible]

D 633

Thomas Edgar Manness

Record transferred to
Choctaw card # 4769

Choctaw Co.

Emmetta C McBride

Transferred to 7-6065-
Jan 28 1907

D. 635

Thomas Lee McBride.

Record transferred to Choctaw card #1043

Chaucer

William H. Welch Jr.

CHOCTAW NO.

William A. Welch Jr.

DECISION RENDERED DEC 29 1905

REFUSED DEC 29 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED
APPLICANT DEC 29 1905

RECORD FORWARDED DEPARTMENT.

DEC 29 1905

ACTION APPROVED BY
SECRETARY OF THE INTERIOR.

NOTICE OF DECISION OF ACTION
FORWARDED CHOCTAW
AND CHICKASAW

ISSUE

NOTICE OF DECISION
ACTION MAILED

See W-1 P.J.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 10, 1901.

In the matter of the application of William A. Welch, Jr., for enrollment as an intermarried citizen of the Choctaw Nation: William A. Welch, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A William A. Welch, Jr.
Q How old are you? A The 11th of August next-- born in 1864, would be 35, wouldn't it?
Q What is your post office address? A Poteau, Choctaw Nation.
Q Are you a resident of the Choctaw Nation? Yes sir.
Q How long have you resided there? A About 20 years.
Q Maintained a continuous residence there for that length of time? A Yes sir, since 1881.
Q What is the name of your father ? A David R. Welch.
Q He living? A No sir.
Q What is the name of your mother? A Sarah R. Welch.
Q She living? A No sir.
Q Were they both white people? A Yes sir.
Q Did either of them ever make any claim to citizenship in the Choctaw Nation by blood?
A Never was admitted, no sir.
Q That is not the questing. A Yes sir, my mother did.
Q Did your mother make an application to the Commission to the Five Civilized Tribes in 1896? A No sir, she did not.
Q Did she ever make application to the tribal authorities of the Choctaw Nation? A No sir.
Q She was never recognized as a citizen of the Choctaw Nation by the tribal authorities? A No sir, not by the authorities.
Q WAS your mother ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory? A No sir.
Q Then your father and mother were both citizens of the United States? A No sir, my father was, after the death of my mother, was a citizen of the Choctaw Nation by intermarriage.
Q You mean originally? A Yes sir.
Q And after the death of your mother your father married a Choctaw citizen? A Yes sir.
Q What was her name? I do not know what her maiden name was.
Q Her name when your father married her? A Her name was Phoebe Walker.
Q Where were they married? A At or near Brazil Station, Choctaw Nation.
Q When? A I could not tell you the year, I do not remember.
Q State about what time? A About '75, 1875, I think. I was not with my father at the time they were married is the reason I do not remember the date.
Q After your father's marriage with this Choctaw woman was he admitted to citizenship in the Choctaw Nation? A Yes sir.
Q By the Commission to the Five Civilized Tribes? A I believe that my father died before the Commissioners came down here.
Q Was he recognized by the tribal authorities? A oh yes sir.
Q Do you know whether he was admitted to citizenship by an act of the Council of the Choctaw Nation? A Well, I do not know just what course that would take, but he was recognized as a citizen by having married this Choctaw woman.

Q Did he ever hold any official position of any kind that you know of? A No sir, I do not believe that he did.
Q When did your father die-- about when? A In '92, I believe.
Q Have you ever made any claim to citizenship by blood in the Choctaw Nation? A No sir, I have not.
Q You now desire to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Through whom do you claim the right to make such application?
Q I believe you have her name as Lemma Welch, her name was Annie Lemma, full name, Welch. Her name before I married her was Annie Lemma Walker.
Q Is she a citizen by blood of the Choctaw Nation?
A She never was admitted but she is an Indian by blood, as far as I know-- not admitted as an Indian by blood, no sir.
Q Does your wife claim to be a citizen of the Choctaw Nation by blood? A Yes sir, she claims to be an Indian by blood, Choctaw Indian.
Q Was your wife ever recognized as a citizen of the Choctaw Nation by blood by the tribal authorities of the Choctaw Nation?
A No sir, I think not, she had only been here from Mississippi a short time before she was intermarried to her first husband, Ed. E. Walker.

The name of Lemma Welch, 23 years of age, an intermarried white woman appears upon Choctaw roll card, field No. D-818.

The name of Mrs. Lemma Walker, appears on the 1896 Choctaw Census record of intermarried citizens, page 402, No.15154.

Q How long has your wife been a resident of the Choctaw Nation?
A I do not know the year they came here.
Q Was she a resident of the Choctaw Nation at the time you married her? A Yes sir.
Q When were you married to her? A September 11, 1898, if I mistake not.
Q Were you married to her under a Choctaw license? A Yes sir.
Q By whom were you married? A Rev. D. J. Austin.
Q A Minister of the Gospel? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.
Q Do you desire to offer the same in evidence? A Yes sir.

There is offered in evidence, filed and made a part of the records in this case the marriage license issued by James Culbertson, dated September 10, 1898, county clerk of Sugar Leaf County, Choctaw Nation, to William A. Welch, Jr. to marry Mrs. [illegible], and a certificate that the marriage ceremony was

and a certificate that the marriage ceremony was performed on the 11th day of September, 1898, by J. D. Austin. This marriage license and certificate was filed for record in Vol. C, page 54 in the office of the County Clerk Sugar Leaf County, Choctaw Nation, Indian Territory, December 26, 1898.

Q Were you ever married before this to this same woman?
A No sir, I was not.
Q The only ceremony that was ever performed between yourself and Mrs. Lemma Welch was under this license? A That is all.
Q How much did you pay for this license? A $100.

There is offered in evidence, filed and made a part of the evidence in this case a receipt for $100, given to William A. Welch, Jr. in full payment for one marriage license, and signed by James Culbertson, clerk of Sugar Leaf County, Choctaw Nation, dated September 17, 1898.

Q. Have you ever been recognized in any manner as a citizen of the Choctaw Nation? A. Always by everyone, yes sir.
Q. In what manner? A. Well, I voted in the last election. I bought land from a citizen by deed and held it in my own name, and I pay permits for my renters, too. Have permits issued by the County Judge in my own name and pay them, both in Hughes County and Sugar Loaf County.
Q. Is there any further statement that you desire to make in regard to this matter, or evidence that you desire to offer?

Attorney for applicant: Your Honor, we would like to have some time granted to offer a brief and additional proof— like to have 60 days if you can grant it.

Additional proof in support of this application may be forwarded to the Commission for consideration.

The decision of the Commission with reference to your application for enrollment as an intermarried citizen of the Choctaw Nation, will be mailed to you at your present post office address.

—oOo—

Kate de Bord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19, day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate DeBord.

Subscribed and affirmed to before me this 19, day of June, 1901.

J. S. Adams
Notary Public.

9-3-618

MARRIAGE LICENSE

To any person authorized to solemnize the rites of Matrimony,

GREETING

Know ye, that I James Culberson, County Clerk of Sugar Leaf County, Choctaw Nation, by the authority in me vested do grant unto Mrs Lemon Walker, a citizen of the Choctaw Nation and William A. Paul Welch Jr., a license to be joined in the holy Bonds of matrimony.

Therefore you are hereby commanded to solemnize the rites and publish the Banns of Matrimony between the parties herein named according to Law and do you officially sign and return this license to the parties herein named.

Witness my hand and seal this 10th day of September 1898.

James Culberson,
County Clerk.

CERTIFICATE

CHOCTAW NATION :
County of Sugar Leaf. :

I, D. J. Austin do hereby certify that on the 11th day of Sept., A. D. 1898, I did duly and according to Law as commanded in the foregoing license, solemnize the rites and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 15th day of Oct., 1898.

Marriage License of Mrs Lemon Walker filed for record in Volume -C- at Page 64 in the County Clerk office of Sugar Leaf Co., Choctaw Nation, Indian Territory.
Given under my hand this 26th day of December A. D. 1898.

(Seal) Z. T. Barnwell,
County Clerk.

Department of the Interior
Commission to the Five Civilized Tribes
Filed Jan 19-1901.
Tams Bixby,
Acting Chairman.

[illegible]

R E C E I P T

Sallisaw, I.T. [illegible]

Rec'd [illegible]

Received of William A. Walsh Jr., the sum of Two Hundred ($2.00.00), Dollars in full as payment for one marriage License.

James Guilderson,

Clerk of Sugar Loaf County,

Choctaw Nation.

Department of the Interior
Commission to the Five Civilized Tribes.
Filed
Jun 19 1902

Tams Bixby
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, Indian Territory, December 18,1908.

Choctaw D 636.
Intermarried.

In the matter of the application of William A. Welch, Jr., for enrollment as an intermarried citizen of the Choctaw Nation.

--- John London, Poteau, I.T., attorney for applicant---

William A. Welch, Jr., having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A William A. Welch, Jr.
Q How old are you? A Thirty six.
Q What is your post office address? A Poteau, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Since 1881.
Q Have you lived here continuously for the past twenty one years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir?
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Leanna Welch nee.
Q What was her name before you married her? A Leanna Walker.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Citizen by blood or intermarriage? A By intermarriage.
Q She has no Indian blood? A I couldn't say about that.
Q She has never been recognized as a citizen by blood? A No sir.
Q When were you married to Leanna Walker? A September 11,1898.
Q Where was the marriage ceremony performed? A Poteau, Indian Territory.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A We were.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a tribal license? A I did.
Q Who performed the marriage ceremony? A D.J.Austin or I.D.Austin
Q A minister of the gospel? A Yes sir.
Q Were you ever married previous to your marriage to this woman?
A Yes sir.
Q What was the name of your first wife? A Ida Dennis.
Q Was she a white woman? A Yes sir.
Q Was she dead at the time of your marriage to Leanna Walker? A Yes sir.
Q Was Leanna Walker ever married before her marriage to you? A Yes sir.
Q What was the name of her former husband? A Ed Walker.
Q Was he dead at the time of your marriage to her? A Yes sir.
Q Since your marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

[illegible]

[illegible]

Henry C Stevens being first duly sworn upon his oath stated that he stenographically reported the deposition in the above entitled cause on the 15th day of December, 1958, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Henry C Stevens

Subscribed and sworn to before me this 19th day of January 1959.

Chas. H. Stringer
Notary Public

C O P Y .

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No.- D-636.

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final determination in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Rickel et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon the white husbands of wives who may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

Endorsed:

Choctaw-D-636.

In the matter of the enrollment of William A. Welch, Jr., as an intermarried citizen of the Choctaw Nation.

Protest of Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

7-D-636.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein that on June 19, 1901, William A. Welch, Jr., appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage to Leamon Welch, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as No. 1368 upon the lists prepared by the Commission to the Five Civilized Tribes under the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of this office, that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am therefore of the opinion that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of January 26, 1905, (I.T.D.11882-1904), in the Choctaw Enrollment case of Emma McMenemin, the application made for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC. 29 1905

_____.

COPY

7-D-636.

Muskogee, Indian Territory, December 29, 1905.

William A. Welch, Jr.,
Poteau, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

SIGNED

Commissioner.

Registered.
Incl. 7-D-636.

7-D-626

Muskogee, Indian Territory, December 29, 1906.

COPY.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes on December 29, 1906, rendered his decision denying the application for the enrollment of William A. Welch Jr., as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in this case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

7-D-636.

Muskogee, Indian Territory, December 29, 1906.

COPY

John London,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1906, denying the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 7-D-636.

7-D-636.

Muskogee, Indian Territory, December 29, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1906, denying the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 7-D-636.

Muskogee, Indian Territory, December 29, 1905.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Incl. 7-D-636.

Through the
Commissioner of Indian Affairs.

D.C.6957-1906
I.T.D.2008-1906

(Copy)

CRW
LLB
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 19, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record in the matter of the application for the enrollment of William A. Welch, Jr., as a citizen by intermarriage of the Choctaw Nation.

Reporting February 3, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

It appears that on June 19, 1901, when the applicant was examined by the Commission to the Five Civilized Tribes, he testified that he was born in 1866; that about 1875 his father intermarried with a citizen of the Choctaw Nation.

The Department concurs in the recommendation of the Indian Office, and your decision dated December 29, 1905, is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,
First Assistant Secretary

1 inclosure.

Land
121-1906

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by William A. Welch, Jr.

December 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant, a white man, claims right to enrollment by reason of his marriage to Leaman Welch, a white woman, and a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears at Number 1368 on the lists of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation approved by the Department March 14, 1905.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

In view of the record and of the decision of the Department of January 28, 1906 (IED 11582-04), in the case of Emma McKenzie, the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMK

C

7-D-436

Muskogee, Indian Territory, March 3, 1906.

COPY.

William A. Welch Jr.,

Poteau, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 19, 1906, affirmed the decision of this office dated December 29, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

7-B-836

COPY

Muskogee, Indian Territory, March 3, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 19, 1906, affirmed the decision of this office, dated December 29, 1905, denying the application for the enrollment of William A. Welch Jr., as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED
Wm. O. Beall
Acting Commissioner.

7-D-636

COPY.

Muskogee, Indian Territory, March 3, 1906.

John London,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 19, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of William A. Welch Jr., as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

7-D-636

COPY

Muskogee, Indian Territory, March 3, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 19, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of William A. Welch Jr., as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Wm. O. Beall

Acting Commissioner.

Choctaw D 636

Muskogee, Indian Territory, February 10, 1904.

William A. Welch, Jr.,
Poteau, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

CHOCTAW D 637.

James M. Chapman.

Record transferred to Choctaw card # 1375.

Choctaw Schools

Molsie Butler et al

CHOCTAW D. 638

Molsie Buckner et al

See also Choctaw Card
R. 731.

REFUSED. FEB 7 - 1907

RECORD FORWARDED DEPARTMENT.
FEB 7 - 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR. MAR 4 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 15 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. APR 15 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---- ooOoo----

In the matter of the application for the enrollment as citizens of the Choctaw Nation ----------OF----,----------

MOLSIE BUTLER, et al.,

P--239

[illegible] BY THE COMMISSION.
CONTINUED TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE I. T. JUNE 26, 1902.

In the matter of the application of Malsie Butler for the enrollment of herself and her four minor children, Beadie Butler, Maggie Butler, Vivial Butler and Willie Butler, as citizens by blood of the Choctaw Nation. Malsie Butler, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Malsie Butler.
Q What is your age? A 35.
Q What is your post office address? A Number Six, Philips.
Q Indian Territory? A Yes sir.
Q As a citizen of what nation are you now making application for the enrollment of yourself and your children? A Choctaw.
Q How long have you resided in the Choctaw Nation?
A All my days.
Q Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation?
A Not that I know of.
Q Were you ever admitted to citizenship by this Commission, or by the United States Court on appeal, under the provisions of the act of June 10, 1896? A Yes sir, Yes sir.
Q By what court were you admitted to citizenship?
A United States Court.
Q At what place? A South Town, South--
Q South McAlester? A South McAlester, I think that is right.
Q Under what name were you admitted to citizenship by the Court? A Malsie Foster, maiden name.
Q Did you make application to this Commission in 1896 for admission to citizenship in the Choctaw Nation?
A Yes sir, I think it was in 1896.
Q Under what name did you make application at that time?
A Malsie Butler, nee Foster.

Upon examination of the certified copies of judgments rendered by the United States Court for the Central District of the Indian Territory, it is found that Malsie Foster was admitted to citizenship by said Court in Court Case No. 57, on January 26, 1896.

Q What was your father's name? A Alex Foster.
Q Is he living? A No sir.
Q Was he a citizen of the Choctaw Nation? A Yes sir.
Q Was he an Indian by blood? A Yes sir.
Q What was your mother's name? A Salina.
Q Salina Foster? A She has married since, she is not Foster now, she is Mahardy now.
Q Is she a citizen of the Choctaw Nation? A Yes sir, she is a Choctaw citizen.
Q Is she a citizen by blood or intermarriage?
A She is a freedman.
Q Has your mother been enrolled by the tribal authorities of the Choctaw Nation as a Choctaw freedman? A I think so.
Q Has she been enrolled by this Commission as a Choctaw freedman, do you know? A I do not know for certain but I think so.
Q If you knew how you happened to be admitted by the Court as Malsie Foster instead of Malsie Butler? A I do not know exactly, just by mistake in copying the name, because both a name were on the first affidavits.

Upon examination of the records of the Commission it is found that petition of Melsie Butler, nee Foster, for enrollment as a citizen of the Choctaw Nation was filed with this Commission on [illegible], 1896, that said petition was endorsed "In the matter of the application of Melsie Foster for enrollment with the Choctaw tribe of Indians", and that an appeal from the decision of the Commission to the United States Court for the Central District of the Indian Territory, was taken in the name of Melsie Foster.

Q How many children had you living at the time that you made application to the Dawes Commission in 1896? A Two.
Q What were their names? A Bessie and Maggie.
Q How old are they at the present time? A Bessie will be twelve the 20th day of this month, and Maggie was eight years last March the 20th day.
Q At the time that you made application to the Commission in 1896, you didn't apply for the admission of your two children, Bessie and Maggie? A No sir.
Q How many other children have you living at the present time?
A Besides Bessie and Maggie?
Q Yes. A Two.
Q What are their names? A Vivial and Wadie.
Q Vivial is a girl? A Yes sir.
Q How old is she? A Four years old.
Q Wadie is a boy? A Yes sir.
Q How old is he? A Two. He is past two.

The applicant offers in evidence the affidavits of mother and midwife as to the birth of Vivial Butler, on February 3, 1897, and the affidavits of mother and midwife as to the birth of Wadie Butler on September 20th, 1898.

Q Have all these children the same father? A Yes sir.
Q What is his name? A William Butler.
Q Is he a citizen of the Choctaw Nation? A Yes sir.
Q Is he a Choctaw by blood? A No sir, he is a freedman.
Q Has he been recognized and enrolled by the Choctaw tribal authorities as a Choctaw freedman? A Yes sir.
Q Has he been enrolled by this Commission as a Choctaw freedman?
A Yes sir.
Q When were you and William Butler married? A We were married in 1886, the first day of November.
Q By whom were you married? A G. W. Hall.
Q Was he a minister of the Gospel? A Yes sir.
Q Have you and your husband been living together ever since as man and wife? A Ever since.
Q Have you been outside of the Indian Territory within the last three years? A No sir.
Q Have any of your children ever been recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of the Choctaw Nation? A Not that I know of.
Q Have any of your children ever been enrolled by the Choctaw authorities with their father, William Butler, as Choctaw freedmen? A Not that I know of.
Q Did you ever appear before this Commission in the Choctaw Nation and make application for enrollment?
A Yes sir, before the Dawes Commission, yes sir.
Q At what place was that? A At Atoka.
Q When was it? A It was in June, I think, if I am not mistaken.
Q Do you know what month? A [illegible]
Q Could you be certain whether it was August or September?

A I think it was [illegible].
Q Did you either [illegible] or interpret any [illegible] of that [illegible]? A I [illegible] that judgment.
Examination by Mr. [illegible] [illegible]
Q Were you present when the notary public [illegible] the original application in [illegible]? A Yes sir, I was present some of my writing is on it.
Q Do you know why your name was put down as Pastor on place of [illegible]? A The first [illegible]
Q Now, in the first application? A Why the notary public, he put it down on that they would know who my father was.
Q Why were your children not put on, -- the first two children? A In the first application? A
Q Yes. A We didn't think of the children at the time, just in a hurry to get mine fixed up and never thought of the children-- just neglected it.
Q You and your husband, I believe you say, have never lived apart since you were married? Q A No sir.
Q Have always lived together and the children lived with you? A Lived with us.
Q And in the Cherokee Nation? A Yes, in the Cherokee Nation.
Q Well, you say your father was named Alex Pastor, a Cherokee? A Yes sir.
Q How much Cherokee was he? A He was half.
Q Half breed Cherokee? A Yes sir.
Q How long has he been dead? A I think about 30 years. I thi think I was only one year old when he died, as near as I can remember my mother telling me.

Examination by the Commission:
Q You say that your mother's name is Selina Doherty?
A Yes sir.
Q What was her father's name? A I do not believe I can remember what it was-- I have forgotten his name.
Q Do you know the name of her mother? A I have heard her call it Nora of Ghoke, but I believe I have forgotten it. I believe it is Fannie, I am not sure. Well, she [illegible] her mother's name.
Q Do you know what your mother belonged to?
A I think it was Nashoba.

Jacob Kiel, being first duly sworn, testified as follows:

Examination by the Commission:
Q What is your name? A Jacob Kiel.
Q How old are you? A Going on 56.
Q What is your post office address? A Lehigh.
Q Are you a citizen of any Indian Nation? A Yes sir. I was born and raised in the Choctaw.
Q Are you a Choctaw by blood? A Chickasaw, but raised in the Choctaw Nation.
Q Are you a Chickasaw Indian by blood? A Yes sir.
Q Do you know Helen Butler, the applicant in this case? A Yes sir, I have known her, about her and her mother.
Q What was her father's name? A Alex Pastor.
Q Is he living? A Dead.
Q Was he a Choctaw Indian by blood? A Yes sir. That is what he was called; he didn't speak my tribal language but the Choctaw language.
Q What is her mother's name? A Selina's mother? Mary Selina Doherty was.
Q Is she living? A Yes sir.

Mamie Butler--4--

Q Is she a Choctaw by blood or a Chickasaw freedman?
A Freedman.
Q Do you know William Butler, the husband of Mamie Butler?
A Yes sir.
Q Do you know whether or not they were ever legally married.
A They have been married I guess for ten years.
Q Were you present when they were married? A Yes sir.
Q Who performed the ceremony for them? A Bell.
Q Was he a Minister of the Gospel? A Yes sir.
Q What name did Mamie go by and what did the people call her before she married William Butler? A Called her Mamie Butler.

Mamie Butler, being recalled, testified as follows:
Examining by the Commission:
Q Is there any additional evidence that you desire to offer at this time in support of your application for the enrollment of yourself and children as citizens of the Choctaw Nation?
A I do not exactly understand you.
(Question explained) A No sir.

You will be furnished with the decision of the Commission in the matter of your application for the enrollment of yourself and your children as citizens of the Choctaw Nation, mailed to you at your post office as given in your testimony.

Kate Bobard, being first duly affirmed states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate D. Bobard

Subscribed and affirmed to before me this 25th day of June, 1901.

Philip A. Hopkins
Notary Public.

(copy)

DEPARTMENT OF THE INTERIOR.

Before the Commissioner to the Five Civilized Tribes
at Muskogee, Indian Territory.

In the matter of the application of
Salina Mahardy and her descendants for
the transfer of their names from the
freedman roll of the Choctaw Nation
to the roll of Indians by blood of said
Nation.

Comes now the above named petitioner, Salina Mahardy
and shows to this Honorable Commissioner:

That on the ____ day of January, 1866, she was duly
and lawfully married to one Aleck Foster, an enrolled and recog-
nized Choctaw Indian man and that she lived with him as his wife
in the Choctaw Nation Indian Territory until his death on the ____
day of _____ 1870,; that there was born as a result of
said union the following children, to-wit;

Melsie Butler,

Your petitioner further shows that her said daughter
Melsie Butler was on the 1st day of Nov 1888, duly and law-
fully married to one W.H.Butler with whom she still lives
and from which said union there has been born the following
named children, to-wit;

Bessie Butler _____ age 17 years.
Maggie Butler _____ age 13 "
Vivial Butler _____ " 9 "
Jackie Butler _____ " 8 "
Willie Butler _____ " 2 " not enrolled petitioner
Margaret Butler, born the day of April 1904

Your petitioner further shows that she was the wife

United States, the Choctaws not having adopted their freedmen until May the 21st 1883; that the said Aleck Foster was an enrolled member of the Choctaw Tribe of Indians and a resident of the Choctaw Nation in the Indian Territory, where he resided until the date of his death; that her said marriage was in accordance with the provisions of the treaty between the United States and the Choctaw and Chickasaw Tribes of Indians made in 1866 and invested her, as an intermarried citizen, with all the rights of an Indian by blood in the said tribe of her husband and that her said children, being the issue of said marriage and having been born in the said Choctaw Nation were born to the allegiance thereof by succession to the allegence of their said father Alex Foster.

Your petitioner further shows that her siad marriage was in conformity to all laws and customs of the Choctaw Tribe of indians at the time it was entered into; and that during the entire period of her said marriage relation no objection to the same was ever raised by the Choctaw Nation but that after her said husbands death the Choctaw Nation through its duly accredited representatives placed her name and those of her children on the roll of said nation as freedmen over her protest and against her will; that there after on the ____ day of _____ 189 , the Commission to the Five Civilized Tribes, in making the final roll of the members of the said tribe refused to correct the error and injury theretofore perpetrated on her by the Choctaw nation by transfering her name to the roll as an intermarried citizen of said Choctaw Nation and the name of her children to the roll of indians by blood of said nation, although they had the rolls of said nation in their possession, showing the citizenship and enrollment of her said husband at the time of said final enrollment.

Your petitioner further shows that she, together with other persons who are of negro descent and for whose enrollment as a freedman the Choctaw Nation had grounds for enrolling as such, were not heard and records were not made with reference to their cases

except to show they wer Freedmen.

Your petitioner further shows that said wrongfull enrollment first by the Choctaw nation and then finally by the Commission to the Five Civilized Tribes; has deprived your petitioner and her said descendants of valuable property rights, belonging both to her and her said descendants under the laws, usages and customs prevailing in the Indian Territory for the enrollment of members of the Choctaw Tribe of Indians; that in truth and in fact, as well as under said laws usages and customs she and each of her descendants are entitled to an equal destributive share of all the lands and money belonging to said tribe.

Your petitioner further shows that on the ____ day of _____ she was duly and lawfully married to her present husband John Maharddy,.

Wherefore the premises considered your petitioner prays that her name, Sallie-or- Salina Maharddy be transfered from the freedman roll of the Choctaw Nation to the roll of said nation as an intermarried member thereof; and that the names of her said descendats be transfered from said freedman roll to the roll of indians by blood as is by law provided.

Your petitioner further prays that this, her case be consilidated with that of her said daughter Molsie Butler, et al whose petition is hereto attached and that coppies of the testimony heretofore taken in the case of said Molsie Butler before the Commision To The Five Civilized Tribes, United States Court for the Central Destrict of the Indian Territory and the citizenship court, as far as the same pertains to your petitioners rights be permitted to be filed herein and considered herewith.

Her
Salina X Maharddy
Mark

United States Of America,
Indian Territory, -ss-. (S E A L)
Central District.

Sallie Maharddy being first duly sworn states that she is the person named in the foregoing petition as Sallie Maharddy and that she has executed the same; that she has read over or heard read the foregoing attached petition and know the contents therefore and that she believes the statements therein contained are true.

Sallie Maharddy
(SEAL)

Subscribed and sworn to before me this 7th day of June 1906. S.S. Hirshbyne, Notary Public

DEPARTMENT OF THE INTERIOR.

Before the Commissioner to the Five Civilized Tribes
at Muskogee Indian Territory.

In the matter of the application
of Melsie Butler for the transfer
of her name and those of her descend-
ants from the freedman roll of the
Choctaw nation to the roll of indians
by blood of said nation.

Comes now the above named petitioner Melsie Butler and shows to this Honorable Commission:

That she is a Choctaw Indian by blood, born to the allegence of the Choctaw nation the child of enrolled and resident members thereof; that her fathers name is Aleck Foster a full blood Choctaw indian as appears or should appear by the rolls of said tribe.

That she was on the 1st day of Nov. 1888, duly and lawfully married to one W.H.Butler with whom she still lives and that and that there has been born from said union the following named children, to-wit:

Bessie Butler age 17 years.
Reggie Butler " 13 "
Vivial Butler " 9 "
Nadie Butler " 8 "
Clifre Butler " 2 " Not enrolled, petition attached.
Francis Butler, Born April 7th, 1906.

Your petitioner further shows that having been born in the Choctaw nation the child of resident and enrolled members thereof she was born to the allegence of her said parents and that her rights as a citizen and member of said Choctaw nation, were thereby fixed and she and her descendants entitled by virtue of all the laws, treaties, customs and usages of said nation to have been enrolled as members thereof by blood; that the Choctaw nation has

heretofore enrolled her, and subsequently her descendants as freedmen of the Choctaw Nation contrary too all of said laws, treaties, usages and customs; that said enrollment was made over her protest without authority of law; that said enrollment so made by the Choctaw nation through its duly accredited representatives has been duly contested by this petitioner, both personally and through all the Courts which have had jurisdiction or pretended to have to investigate and determine the rights of applicants for citizenship in the Choctaw nation; that said courts have erroneously accepted jurisdiction of this petitioners case and passed judgment on the same when in truth and in fact her status was fixed by her birth and the courts were absolutely without authority or jurisdiction to enter judgment or make orders with reference thereto; that your Honor, the Secretary of the Interior under the treaties, acts of Congress, laws, usages and customs was, is clothed solely with otho ity to determine the status of your petitioner.

Your petitioner further shows, that she has, in good faith, availed herself, or attempted to do so, in an attempted compliance with what she understood to be the laws of Congress and the rules and regulations of the Secretary of the Interior, to have herself and family enrolled as citizens by blood of the Choctaw nation to which they are justly entitled; that in the _____ day of ----- 1896 she duly filed her application before the Commision To The Five Civilized Tribes, which was thereafter by it denied; that thereafter, to-wit on the ----- day of ----- 1896 she caused her said case to be appealed, duly appealed as provided by law, to the United States Court for the Central Destrict of the Indian Territory; that said Court gave judgment in her favor and that she and her descendants were adjudged to be citizens and members of the Choctaw tribe in the Indian Territory; that thereafter on the 17 day of Dec. 1902, the said judgment was erroneously, wrongfully and without authority of law set aside by the so called Citizenship Court

and she was again by the Commission to The Five Civilized Tribes wrongfully placed with, all of her descendants as the freedman roll of the Choctaw Nation.

Your petitioner further shows that said original wrongfull enrollment of herself and family by the Choctaw Nation and the subsequent final enrollment of herself and family on the said freedman roll was without authority of law and contrary to their inherited rights; that said wrongfull enrollment has deprived her and each of her said descendants of valuable rights to-wit; the right to participate in the equal distribution with other members of the Choctaw tribe of Indians in the Indian Territory of the lands and money of said tribe, amounting to Three Hundred and Twenty (320 XXXXXX XXXXX acres of the average land of said tribe together with many thousands of dollars in money, the exact amount to your petitioner unknown and has wrongfully substituted therefor forty (40 acres of said average land with no money whatever.

Your petitioner further shows; that she was originally enrolled by the Choctaw Nation and is finally enrolled by the Commission to the Five Civilized Tribes as the Daughter of the said full blood, Aleck Foster; that when the said Commission made said enrollment they were in possession of the rolls of the Choctaw Nation and saw or could have seen the above facts to be true.

Your petitioner further shows; that the files of the former Choctaw and cChickasaw Citizenship Court, in this petitioners case tried therein, contain the proofs, regularly taken in this cause to sustain the allegations, or at least those of blood, berth and residence, in this petition; wherefore she asks that said files or copies of them be permitted to be filed herein in support hereof.

Wherefore the premises considered your petitioner prays; that her name and those of each of her children herein named be transfered from the freedman roll of the Choctaw Nation to the roll of indians by blood with all the rights pertaining thereto.

Nelsie Butler

United States of America,
Indian Territory,
Central District:

-ss-

Mollie Butler being first duly sworn states; that she is the person making and executing the above and attached petition; [redacted] that she has read the same over and knows the contents thereof and that the matters and things therein contained are true as she verily believes.

Mollie Butler.

Subscribed and sworn to before me this the 22 day of June, 1906.

S. G. Hieronymus
Notary Public.

United States of America,
Indian Territory,
Central District.

-ss-

M. M. Lindly, of lawful age being first duly sworn states; That he served a copy of the attached and foregoing petition on Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, by registering to said Attorneys a true copy thereof;; that the attached registry receipt issued by the Post Master at SoMcAlester, Indian Territory is the registry receipt therefor.

M. M. Lindly

(SEAL)
Subscribed and sworn to before me this the 23rd day of June, 1906.

W. T. Hardy
Notary Public.

(Registry receipt attached here)

(Endorsed on back)

No. _____

Selina Kabardy, et al.
-vs-
Choctaw and Chickasaw Nations.

Petition for transfer of Names from Freedmen to Blood Roll,
RECEIVED JUN 26, 1906.
M. M. Lindly.

P-239
1?-1063
?-D-638
?-R-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Molsie Butler, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that application was made to the Commission to the Five Civilized Tribes for the enrollment of Molsie Butler and her minor children Bessie Butler, Reggie Butler, Vivial Butler and Wadie Butler as citizens by blood of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 7, 1896, for the admission of Molsie Butler, nee Foster, as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case, No. 1185. That on December 7, 1896, said application was denied by the Commission.

From this decision an appeal was taken to the United States Court for the Central District of Indian Territory, which Court on August 26, 1897, admitted said Molsie Butler as a citizen by blood of the Choctaw Nation and also admitted Reggie Butler (as Roger Butler) and Bessie Butler as citizens of the Choctaw Nation.

On January 18, 1898, said court rendered a "Reformed Judgment" striking out the names of Roger Butler and Bessie Butler from the former judgment.

The judgment of the United States Court admitting Molsie Butler as a citizen by blood of the Choctaw Nation was vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "J. T. Riddle, et al., vs. Choctaw and Chickasaw Nations".

Said case was subsequently certified to the Choctaw and Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on March 21, 1904, in the case entitled "Molsie Butler, nee Foster, vs. Choctaw and Chickasaw Nations" (Choctaw and Chickasaw Citizenship Court, Case No. 121, South McAlester Docket). Said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiff, Molsie Butler, Nee Foster, or Molsie Foster, be denied and that she be declared not a citizen of the Choctaw Nation and not entitled to enrollment as such and not entitled to any rights flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes, that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, during the month of August 1899, by Salina Mahardy for the enrollment of herself, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw Freedmen.

The records in the possession of the Commissioner to the Five Civilized Tribes further show that said persons have been enrolled as Choctaw Freedmen and their names appear upon the final roll of Choctaw Freedmen approved by the Secretary of the Interior as follows:

Salina Mahardy	opposite Number	3570
Molsie Butler	opposite Number	4801
Bessie Butler	opposite Number	4802
Roggie Butler	opposite Number	4803
Vivial Butler	opposite Number	4804
Wadie Butler	opposite Number	4805

The enrollment of Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw Freedmen was approved by the Secretary of the Interior on April 8, 1903. The enrollment of Salina Mahardy as a Choctaw Freedman was approved by the Secretary of the Interior on September 26, 1903.

There was received at the office of the Commissioner to the Five Civilized Tribes on June 26, 1906, a petition purporting to have been filed under the regulations adopted by the Commissioner January 2, 1906, and praying for the transfer of the names of Salina Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler from the roll of Choctaw Freedmen to the roll of citizens by blood of the Choctaw Nation. Said petition also included the names of Clere Butler, age 2 years and Francis Butler born April 7, 1906.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made to the Commission to the Five Civilized Tribes for the admission of the petitioner Salina Mahardy as a citizen by blood of the Choctaw or Chickasaw Nation under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321)or for her enrollment as a citizen by blood of either of said Nations prior to December 25, 1902.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the persons mentioned in the petition were ever recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority. Their names do not appear on any of the Tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

Section One of the Act of Congress approved April 26, 1906, (34 Stats., 137) provides in part as follows:

> ".....No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act; in which case said motion shall be made within sixty days after the passage of this Act...."

I am of the opinion that the petition herein, in so far as same applies to the petitioners Eliza Butler, Maggie Butler, Bessie Butler, Vivend Butler and Wadie Butler, should be considered as a petition to reopen the answer of the Commission to the application of said persons as Choctaw Freedmen and that inasmuch as said petition was not filed within ninety days after the passage of the Act of April 26, 1906, I do without authority under the curtailment provisions of said Act, to overrule said motion; that same should be dismissed, and it is so ordered.

I am further of the opinion that said petition in so far as same applies to the petitioners Elora Butler and Mamie Butler, should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906; that the same should be denied, and it is so ordered.

I am further of the opinion that inasmuch as it does not appear that the said Maizie Butler occupied such a status in 1896 as would entitle her to enrollment as a citizen by blood of the Choctaw Nation, the action of the Choctaw-Chickasaw Citizenship Court of November 21, 1904, is final and that I have no authority to take further action looking toward the enrollment of said Maizie Butler as a citizen by blood of said Nation; that the application filed June 28, 1901, for the enrollment of Maizie Butler, Bessie Butler, Maggie Butler, Vivind Butler and Wadie Butler as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 7 1907

-3-

7-D-638

COPY

Muskogee, Indian Territory, February 7, 1907.

Molsie Butler,

Boggy Depot, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 7, 1907, dismissing the petition for re-opening of the application fe Saline Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Buttler as Choctaw freedmen and denying the application for your enrollment and for the enrollment of Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-638

7-D-638

COPY

Muskogee, Indian Territory, February 7, 1907.

Salina Mahardy,

Boggy Depot, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 7, 1907, dismissing the petition for re-opening of the application for Salina Mahardy, Molsie Butler, Bessie Butler, Boggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application of Molsie Butler, Bessie Butler, Boggie Butler, Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-638

7-D-638

COPY

Muskogee, Indian Territory, February 7, 1907.

James E. Gresham,

Attorney at law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on February 7, 1907, rendered his decision, dismissing the petition for reopening of the application of Salina Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Ciero Butler and Francis Butler as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-638

7-D-638

COPY.

Muskogee, Indian Territory, February 7, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February7, 1907, dismissing the petition for reopening of the application of Salina Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Molsie Butler, Bessie Butler, Roggie Butler Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens ofthe Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 7-D-638

Co COPY
Muskogee, Indian Territory, February 7, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of application for the enrollment of Molsie Butler, et al. as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, dismissing the petition for reopening of the application of Salina Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

L.P.

L.P.

DEPARTMENT OF THE INTERIOR,

R.S. 1230 -1907. WASHINGTON.

L. M.
L.L.D.
5004, 5126, 5130, 5144, [illegible]-1907.
5206, 5210, 5224, 5230, 5302- "
5322, 5412, 5424, 5474, 5494- "
5500, 5504, 5506, 5512, 5516- "
5528, 5574, 5580, 5584- "
5592, 5602, 5604, 5604, 5614- "
5610, 5640, 5616, 5626, 5634- "
5348-1907 21246-1906.
DIRECT.

March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bonnie Edmondson	January 16, 1907.
Josephine Brown, et al.	February 9, 1907.
Anna Allen Harvey, et al. (freedman)	February 7, 1907.
Jodie Lee Hancock,	February 4, 1907.
James Lewis Rogers, et al.,	January 21, 1907.
Porter Buckner (freedman)	February 6, 1907.
Esther Jones (freedman)	February 8, 1907.
Nolsie Butler, et al.	February 7, 1907.
Verna Bunlap, et al.	January 24, 1907.
Betty Prince, et al.	June 26, 1906.
Dave Hardy, et al.	January 30, 1907.
John Henry Sanders, et al. (freedman)	January 26, 1907.
Lois Leslie Ray	January 9, 1907.
Hirshie Parks, et al.	January 11, 1907.
David R. Tidwell, et al.	January 9, 1907.
A. J. Grayson, et al.	January 25, 1907.
Ader Williams, et al. (freedman)	February 6, 1907.

Title of case.	Date of your letter of transmittal.
Mary Emery	January 16, 1907.
Edith Deal, et al.	January 16, 1907.
Willie J. Walker, et al.	January 4, 1907.
Martha Bailey (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.	January 9, 1907.
Augustus Harris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vert Ex Billard	January 28, 1907.
Sonnie Harris (freedman)	February 8, 1907.
Choccahomie Pearce	December 24, 1906.
Alice A. Brown, et al.	January 28, 1907.
William Henry Middle	January 28, 1907.
Lula Benton Bond, et al.	December 21, 1906.
Emilie Bond Carrol	January 18, 1907.
Esther Ervin, et al.	November 16, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.	December 24, 1906.
Seychonie Clark	November 28, 1906.
James King	January 28, 1907.
Nettie Brown, et al.	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Thos. B. Wilson

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.

A.L.M.
Ind. Of.

Refer in reply to the following.

COPY.

D.C. 12308-1907.
Land.
14600-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Molsie Butler, et al., as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 7, 1907, dismissing the petition for reopening of the application of Salina Mahardy, Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens of the Choctaw Nation.

The record shows that the names of Molsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler appear on the Choctaw freedman roll approved by the Department on April 8, 1903. The enrollment of Salina Mahardy as a Choctaw freedman was approved on September 26, 1903.

On June 26, 1906, there was filed with the Commission to the Five Civilized Tribes a petition praying for the transfer of the names of Salina Mahardy, Bessie Butler, Molsie Butler, Roggie Butler, Vivial Butler and Wadie Butler from the roll of Choctaw

freedman to the roll of citizens by blood of the Choctaw Nation. The petition also included the names of Clare Butler, age 2 years, and Francis Butler, born April 7, 1906.

Commissioner Mixby reports that it does not appear from the records of his office that any of the applicants were ever recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority, and that their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of his office. Therefore, by reason of the provisions of the Act of July 1, 1902 (32 Stat. L., 641), and the Act of April 26, 1906 (34 Stat. L., 137), the Office concurs in the decision of Commissioner Mixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EMM-D.

9-D-616

Muskogee, Indian Territory, April 15, 1907.

Nolsie Butler,

Boggy Depot, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 7, 1907, dismissing the petition for re-opening of the application for Salina Mahardy, Nolsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Buttler as Choctaw freedmen and denying the application for your enrollment and for the enrollment of Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Clero Butler and Francis Butler as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-638

Muskogee, Indian Territory, April 15, 1907.

Salina Mahardy,

Boggy Depot, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 7, 1907, dismissing the petition for re-opening of the application for Salina Mahardy, Melsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application of Melsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Elere Butler and Francis Butler as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-B-638

Muskogee, Indian Territory, April 15, 1907.

James K. Gresham,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 7, 1907, dismissing the petition for re-opening of the application of Salina Mahardy, Melsie Butler, Bessie Butler, Roggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Melsie Butler, Bessie Butler, Roggie Butler, Vivial Butler, Wadie Butler, Clere Butler and Francis Butler as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-638

Muskogee, Indian Territory, April 15, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 7, 1907, dismissing the petition for re-opening of the application of Salina Mahardy, Melsie Butler, Bessie Butler, Reggie Butler, Vivial Butler and Wadie Butler as Choctaw freedmen and denying the application for the enrollment of Melsie Butler, Bessie Butler, Reggie Butler, Vivial Butler, Wadie Butler, Clere Butler and Francis Butler as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Before the Commission to the Five Civilized Tribes.

----------oOo----------

Melsie Foster,----------Plaintiff,

vs. Petition for citizenship of infant,

Choctaw Nation,---------Defendant.

Comes now the plaintiff Melsie Foster and says that she is a citizen of the Choctaw Nation, duly enrolled as such, as shown by certified copy of the Record of the United States for the Central District of the Indian Territory, herewith attached marked Exhibit "A" and made a part of this application.

Your petitioner respectfully represents that she has one child, VIVIAN Butler, born since her application was first made to your honorable body. That said child was born in lawful wedlock with William H. Butler her present husband.

Premises considered plaintiff prays that said child be placed upon the Rolls of the Choctaw Tribe of Indians.

Melsie Foster

Subscribed and sworn to before me this 28th. day of August, 1897.

James T. Cowlr

Notary Public.

William H. Butler being duly sworn according to law says;--

Molsie Foster is my wife, we were married in 189 , I have two other children by my wife. They together with my wife were enrolled by the U.S. Court at South McAlester, I.T. a few days ago.

The child for which my wife is now making application for was born in February, 1897. Her name is Vivial Butler.

My post office is Lehigh, I.T., I have been living there about ten years.

W. H. Butler

Subscribed and sworn to before me this 28th. day of August, 1897.

Chas. W. Dunsmore
Notary Public.

S.V. Boyd being duly sworn according to law says;--

My name is S.V. Boyd, I am 51 years old, my post office is Atoka, I.T. I am a citizen of the Choctaw Nation. I know W.H. Butler and his wife Molsie Foster. They have three children; Bessie, Roger and Vivial, the last one named was born some time in February. I was at the home of Butler a few days after the child was born.

S. V. Boyd

Subscribed and sworn to before me this 28th. day of August, 1897.

Chas. W. Dunsmore
Notary Public.

Easter Perry being duly sworn according to law says;---

My name is Easter Perry, I am a citizen of the Choctaw Nation, am 33 years old, and my post office is Lehigh, I.T.

I know Melsie Foster, and her husband William H. Butler; they have three children, Bessie, Roger and Vivial. Vivial Butler was born some time during the month of February, 1897. I was with Melsie when the child was born.

I am no relation to any of these parties and have no interest in this suit.

Easther Perry

Subscribed and sworn to before me this 28th. day of August, 1897.

James T. Corley
Notary Public.

Mary Gibson after being duly sworn according to law says;---

My name is Mary Gibson, I am 25 years old, am a citizen of the Choctaw Nation and my post office is Lehigh, I.T.

I know Melsie Foster, and her husband William Butler; they have three children. The youngest, Vivial Butler, was born in last Feb.

I was at the home of Melsie Foster when the child was born.

I am no relation to any of these parties and am not interested in this action.

Witness, Easther Perry Mary Gibson
his
X
mark

Subscribed and sworn to before me this 28th. day of August, 1897.

James T. Corley
Notary Public.

7-R48

No. _____

Molsie Foster,

vs.

Choctaw Nation.

These papers received and filed without authority of law

Application to enroll

infant child.

FILED

SEP 6 1897

H. W. Jarvis

SEC'Y.

Dunstan & Wilkins,

Attorneys. for plai

Atoka, Ind. Ter.

No. 57

Molsie Foster et al

VERSUS

Choctaw Nation

COPY OF ORDER OF COURT.

Clerk.

By

Deputy.

P. F. PETTIBONE & CO., STATIONERS AND PRINTERS, CHICAGO.

1

THE WITHIN IS A TRUE COPY from the Record of an Order made by said Court on the 16th day of Aug. A.D. 189 7.

E. J. Farmer
Clerk

By

Deputy.

COPY OF ORDER OF COURT.

P. F. PETTIBONE & CO., LAW AND PUBLIC OFFICE STATIONERS, 90-92 ADAMS ST., CHICAGO.

"Ex A"

United States of America,
INDIAN TERRITORY, } ss.
Central JUDICIAL DIVISION, Stock

IN THE UNITED STATES COURT in the Indian Territory Central *Judicial Division, at a term thereof begun and held at* South McAlester *, in the Indian Territory, on the* 26th *day of* Aug *, A. D. 1897; Present, the Honorable* Wm H. H. Clayton *Judge of said Court.*

The following order was made and entered of record, to-wit:

Molsie Foster et al,
vs. Judgement.
Choctaw Nation.

On this 26th. day of August, 1897, the same being one of the regular Judicial days of the April, 1897, term of Court, this cause came on to be heard, whereupon the plaintiffs and defendant announced ready for trial, and the Court having heard the testimony and argument of Counsel and being well and sufficiently advised in the premises doth find that the plaintiffs, Molsie Foster, and her two children, Roger Butler and Bessie Butler are descendants of a Choctaw Indian, and a member of the Choctaw Nation by blood, and as such are entitled to be placed upon the Roll as members by blood of the Choctaw Tribe of Indians.

It is therefore ordered, adjudged and decreed by the Court, that the plaintiffs, Molsie Foster, Roger Butler and Bessie Butler are entitled to citizenship in the Choctaw Nation, and that they and each of them be granted all the rights, priveleges, immunities and benefits as enjoyed by members by blood of the Choctaw Nation; and that the Commission to the Five Civilized Tribes place the names of said plaintiffs upon the Rolls of the Choctaw Nation as members thereof by blood, and that the Choctaw Nation recognise the rights of these plaintiffs to their full extent; and that the Clerk of this Court furnish the said Commission to the Five Civilized Tribes with a certified copy of this judgement, and that the plaintiffs have and recover of the defendant all their costs herein expended,- for all which let execution issue.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Molsey Butler as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Molsey Butler.

Q How old are you? A Thirty-one.

Q What is your husband's name? A William Butler.

Q When were you married to William Butler? A In 1888.

Q Then your name has been Molsey Butler ever since 1888 hasn't it? A Yes sir.

Q You present here a certified transcript of a judgment of the United States court of the Central District, at South McAlester dated August 26th 1897, case #57, in which Molsey Foster was admitted to citizenship in the Choctaw Nation; Molsey Foster wasn't your name on the 26th day of August 1897 was it? A No.

Q What was your mother's name? A Selina Mahada.

Com'r McKennon: We cannot enroll you, because this judgment does not purport to admit you, and your enrollment will have to be refused.

Q Your father's name was Foster, and that was your maiden name was it? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

W. L. Richards, being duly sworn, according to law, says that at the request of Charles W. Dunstan, he this day deposited in the post office for registered mail at South McAlester, a package, addressed to Green McCurtain, Principal Chief of the Choctaw Nation, Sans Bois, Indian Territory; that said package contained a true and perfect copy of each and every paper contained in a similar package mailed to the Dawes Commission, at Fort Gibson, Indian Territory, to be used in the case of Molsie Foster against Choctaw Nation. He further says that he is not in any way interested in this ase, and that he is of lawful age.

W. L. Richards

SUBSCRIBED and sworn to before me, this August 30th, 1897.

James E. Gresham,
Notary Public.

Muskogee, Indian Territory, June 10, 1898.

Mr. T. E. Sutton,

Pullins, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 28th, in which you inquire to be informed if Minnie, Dennis, Bennie Trivel and Nadie Butler are on the roll of the citizens of the Choctaw Nation. You state in your letter that you have a judgment admitting these persons to citizenship as Choctaw Indians by blood, yet at the time of your appearance in their behalf at Atoka, Indian Territory, in September, 1896, the Commission refused to enroll them on account of a mistake of the Court in rendering its judgment.

Replying to your letter the Commission has to inform you that it does not appear from our records that any persons by the name mentioned have ever been listed for enrollment as citizens by blood or intermarriage of either the Choctaw or Chickasaw Tribes of Indians. It does appear from our records, however, that under the Act of Congress of June 10, 1896, Nancie Butler filed with this Commission an application for enrollment as a member of the Choctaw Tribe of Indians, stating that her maiden name was Porter.

The application and petition venue alone for the admission of Minnie Butler to citizenship in the Choctaw Nation.

This application was on the back printed as follows "In the matter of the application of Nolnie Foster for enrollment with the Choctaw Tribe of Indians." and in accordance therewith was placed upon the 1896 citizenship docket of the Commission as Nolnie Foster Tarche the Choctaw Nation.

The enrollment of the Choctaw Nation was duly filed in this application, and on December 7th, 1896, the Commission denied the application of Nolnie Foster for admission to citizenship in the Choctaw Nation.

From this decision Nolnie Foster, et al, filed with the Clerk of the United States Court for the Central District of the Indian Territory, a petition for appeal from the decision of the Commission to the Five Civilized Tribes, denying Choctaw citizenship to herself and two minor children. This appeal was allowed, and on August 27, 1897, the United States Court for the Central District of the Indian Territory, rendered a judgment admitting to citizenship in the Choctaw Nation Nolnie Foster and her two minor children, Roger and Dennis Butler.

Nolnie Foster on September 6, 1897, offered for filing with this Commission an application for the enrollment of her infant child, Vivian Butler, born in February, 1897, and at that time offered in evidence a judgment of the United States Court of August 27th, 1897, above referred to.

On January 14, 1898, in the case of Nolnie Foster, et al, versus the Choctaw Nation, the United States Court for the Central District of the Indian Territory, reversed the judg-

Court thereupon entered in this cause for the reason that by a clerical error the names of Bryan and Bennie Butler were erroneously entered on the original judgment when they were not parties to the suit as originally filed with the Commission to the Five Civilized Tribes under the act of June 10, 1898, and for this reason the said Court held that it had not jurisdiction of their persons. The judgment as referred only admitted to citizenship in the Choctaw Nation Minnie Foster.

In accordance with this judgment, at Atoka, Indian Territory, in August, 1908, Minnie Butler made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and offered in evidence the judgment of the United States Court for the Central District of the Indian Territory, above referred to, admitting Minnie Foster to citizenship in the Choctaw Nation. The Commission at that time refused to enroll Minnie Butler as a citizen of the Choctaw Nation because the judgment submitted by her in evidence did not admit her by the name of Minnie Butler to citizenship in the Choctaw Nation.

As none of these persons concerning whom you make this inquiry has ever been listed for enrollment as citizens of the Choctaw Nation, and as you express a desire to make such an application for their enrollment, the Commission will hear Minnie Butler and such witnesses as she may desire to bring before the Commission in support of her application for enrollment as a citizen of the Choctaw Nation at its office at Muskogee, Indian Territory.

Muskogee, Indian Territory, September 22, 1898.

Mr. J. M. Wilkins,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant requesting us be advised relative to the status of the citizenship case of your client, William Butler of Lehigh, Indian Territory whose wife Malissa Butler or Melissa Foster and her four minor children are seeking to be enrolled as members of the Chester tribe of Indians.

We state that sometime in July proof was heard at Muskogee, at which time Mr. Graham represented you and the parties named herein.

You are informed that the records of this office show that under the act of Congress of June 10, 1896, Melissa Butler filed with the Commission an application for enrollment as a member of the Chester [illegible] of Indians, stating that her maiden name was Foster.

The applicant and petition prays claim for the enrollment of Melissa Butler as citizenship in the Chester Nation. This application was briefed on the book as follows: "In the matter

J. M.V.-2.

of the application of Melsie Foster for enrollment with the Chester tribe of Indians," and in accordance therewith it was placed upon the 1896 citizenship docket of the Commission as Melsie Foster vs. the Chester Nation.

The answer to this application was duly filed by the Chester Nation and on December 7, 1896, the application of Melsie Foster for admission to citizenship in the Chester Nation was denied. From this decision Melsie Foster et al filed with the Clerk of the United States Court for the Central District of Indian Territory, a petition for appeal from the decision of the Commission denying citizenship to herself and two minor [redacted] Eager and Bessie Butler.

On September 2, 1897 Melsie Foster offered for filing with the records, application for the enrollment of her infant child Vivial Butler, born in February, 1897, and at that time offered in evidence the judgment of the United States Court above referred to.

On June 15, 1898 in the case of Melsie Foster et al vs. the Chester Nation, the United States Court for the Central District of the Indian Territory reformed the judgment therefore entered in this cause [redacted] shown that the names of Eager and Bessie Butler were erroneously entered in the original judgment when they were not parties to the suit as originally filed with the Commission under the Act of June 10, 1896, for which reason the court held that it had not jurisdiction, the judgment is reformed admitting only Melsie Foster to citizenship

in the Choctaw Nation.

At Atoka, Indian Territory in August, 1899 Malsie Butler made application to the Commission for enrollment as a citizen by blood of the Choctaw Nation and offered in evidence the judgment of the United States Court for the Central District of Indian Territory above referred to, admitting Malsie Foster to citizenship in the Choctaw Nation. The application for the enrollment of Malsie Butler was refused because the judgment submitted by her in evidence, did not admit her to citizenship in the Choctaw Nation, under the name of Malsie Butler.

On June 25, 1901 Malsie Butler appeared before the Commission at its office in Muskogee, Indian Territory and offered additional testimony in support of her application for enrollment as a citizen of the Choctaw Nation, and made application at the same time for the enrollment of her minor children, Bessie, Maggie, Vivial and Wadie Butler at which time Malsie Butler and her four minor children were listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation.

No decision has yet been rendered in the matter nor can it be stated at this time how soon the Commission will be able to consider this application.

Yours truly,

Acting Chairman.

T. D 638

Muskogee, Indian Territory, February 24, 1906.

Hons E. Crockett,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be informed the present status of the case of Malcie Butler, nee Foster, and her children, applicants for enrollment as citizens of the Choctaw Nation.

Replying to your letter yours are informed that no decision has yet been rendered in the matter of this application and we can give you no further information than that contained in our letter of September 8, 1905, addressed to Mr. J. M. Wilkins.

Yours truly,

Commissioner in Charge.

Chectaw D 698
Chectaw R 763

Muskogee, Indian Territory, May 5, 1908.

Nelsie Butler,

Phillips, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you desire to be advised of the present status of the citizenship case of yourself and your children as applicants for enrollment as citizens of the Choctaw Nation.

Replying to your communication you are advised that it does not appear from the records of the Choctaw Nation in our possession that you or your children have ever been recognized, and enrolled by the Choctaw tribal authorities as citizens of that Nation.

It does appear, however, that under the act of Congress of June 10, 1896, you filed with this Commission an original application for citizenship in the Choctaw Nation, wherein you prayed for admission as a citizen by blood of the Choctaw Nation, under the name of Nelsie Butler, nee Foster. This case was [redacted] the Commission under the name of Nelsie Foster and on December 7, 1896, the Commission denied your application for citizenship in the Choctaw Nation. From such decision an appeal was taken to the United States Court for the Central District of the Indian

M B S

Territory, which court on October 27, 1897 reversed the decision of the Commission and admitted to Choctaw citizenship Nolsie Foster, Roger and Bessie Butler.

On January 18, 1898, the United States Court for the Central District of the Indian Territory reformed the judgment theretofore entered of record in the case by striking therefrom the names of Roger and Bessie Butler for the reason that their names were not included in the original application made to the Commission to the Five Civilized Tribes in 1896.

You and your two children, Vivial and Wadie Butler, who have been born since the date of the filing of your original application for citizenship in the Choctaw Nation, have been listed for enrollment by this Commission as citizens of the Choctaw Nation in pursuance of the judgment of the United States Court admitting you to citizenship.

The Commission will at as early a date as practicable render its decision in these cases and you will be advised of such decision and also of the forwarding of the record in these cases to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Chester 1 [illegible]
Choctaw 1 [illegible]
Exp.Prod.1908

Muskogee, Indian Territory, September 4, 1908.

W. H. Butler,
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, written in behalf of your two minor children, Bessie and Reggie Butler and requesting if they cannot be enrolled as citizens by blood of the Chester Nation by reason of the admission of their father as a citizen of that tribe, that they be enrolled as Chester freedmen, following your status.

Replying to your inquiry you are advised that it appears from our records that on June 21, 1898, Welsie Butler, 33 years of age, of Phillips, Indian Territory, made personal application to this Commission for the enrollment of herself and her four minor children, Bessie, Reggie, Vivial and Wade Butler, as citizens by blood of the Chester Nation.

It further appears that Welsie Butler was admitted to citizenship in the Chester Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 26, 1897 in Chester citizenship case No. 57, being admitted by said judgment under the name of Welsie Porter.

The Commission in pursuance of the judgment of the United States Court above referred to, on June 26, 1901, listed

for enrollment Nelsie Butler, the person so admitted by the judgment of the court and her two minor children, Vivial and Vadie Butler, both of whom were born subsequent to the date of the filing of the original application by Nelsie Foster with this Commission under the provisions of the act of Congress of June 10, 1896.

Bessie and Reggie Butler having been born prior to the date of the filing of the original application by their mother, Nelsie Foster, for citizenship in the Choctaw Nation, and not being included in such application, this Commission is without authority to enroll these two children as citizens of the Choctaw Nation and the fact that their mother had been admitted to Choctaw citizenship would not be material to any right they might have to enrollment as citizens of the Choctaw Nation.

No application has ever been made to this Commission for the enrollment of these two children as Choctaw freedmen and if you are desirous of making such application for them, it will be necessary that you personally present yourself before the Commission at its office at Muskogee, Indian Territory, for such purpose. It is advisable that if such is your intention, you make the application on behalf of these children at the earliest practicable date as it is probable in the near future some date

[illegible]

Choctaw D 638

Muskogee, Indian Territory, November 18, 1902.

Molsie Butler,

Phillips, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you state that you will give up your right as a Court Citizen if the Commission will enroll you as a freedman and state that your mother, Salina Mahardy is a Choctaw freedman.

In reply to your letter you are advised that on June 25, 1901, Molsie Butler, 33 years of age, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, on August 26, 1897.

On September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement which now governs this Commission in the preparation of the rolls of the citizens of the Choctaw and Chickasaw Nations and the allotment of the lands of these two tribes.

There was created by this agreement a court to be known as "The Choctaw and Chickasaw Citizenship Court" for the purpose

of determining the rights of persons to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations, who were admitted to citizenship in these two tribes by the United States Courts in Indian Territory, under the provisions of the act of Congress of June 10, 1896.

This agreement further provides, that,

"No person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands and distribution of tribal property until his right thereto has been finally determined."

The Commission cannot advise you relative to the probable action to be taken by the recently created "Choctaw and Chickasaw Citizenship Court" and until the final disposition of the question submitted to this court, the Commission cannot enroll you as a citizen of the Choctaw Nation.

You are further advised that on August 29, 1899, Salina Mahardy, 70 years of age, was listed for enrollment by this Commission as a Choctaw freedman.

It does not appear however, that you have ever made application to the Commission for enrollment as a Choctaw freedman.

Respectfully,

7-D-638

Muskogee, Indian Territory, December 5, 1906.

Molsie Butler,
Boggy Depot, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, 1906, asking the status of the petition which you filed with this office in June 1906.

In reply to your letter you are advised that it appears from the records that a petition was received at this office June 28, 1906, for the transfer of your name from the roll of Choctaw freedmen to the roll of citizens by blood of the Choctaw Nation, but no action has yet been taken upon said petition.

Respectfully,

Acting Commissioner.

L.P.

L.P.

DEPARTMENT OF THE INTERIOR,

D.S. 1130-1907. WASHINGTON.

L AS.
L.K.M.
5004, 5128, 5130, 5144, [illegible]-1907.
5296, 5310, 5326, 5330, 5360- "
5392, 5412, 5446, 5474, 5484- "
5500, 5504, 5506, 5512, 5516- "
5560, 5574, 5590, 5600- [illegible] "
5588, 5592, 5594, 5604, 5614- "
5610, 5640, 5616, 5628, 5638- "
5348-1907 21344-1904.
DIRECT.

March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bonnie Edmondson	January 16, 1907.
Josephine Lebum, et al.	February 9, 1907.
Azre Allen Harvey, et al. (freedman)	February 7, 1907.
Jedie Lee Hancock,	February 6, 1907.
James Louis Moore, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Nolais Butler, et al.	February 7, 1907.
Verna Dunlap, et al.	January 28, 1907.
Betty Prince, et al.	June 26, 1906.
Dave Newby, et al.	January 29, 1907.
John Henry Sanders, et al. (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Hirskin Parks, et al.	January 11, 1907.
David R. Tidwell, et al.	January 9, 1907.
A. J. Grounce, et al.	January 25, 1907.
Adar Williams, et al. (freedman)	February 8, 1907.

Title of case.	Date of order letter of commitment.
Mary Berry	January 20, 1897.
Edith Paul, et al.	January 20, 1897.
Willie J. Walker, et al.	January 4, 1897.
Marion Perry (freedman)	January 21, 1897.
Thomas Wendell Bateman, et al.	January 8, 1897.
Augustus Harris (freedman)	January 8, 1897.
James Wilson Welch	January 22, 1897.
Tom L. Miller	January 22, 1897.
Sandie Harris (freedman)	February 8, 1897.
Concentenia Farmer	December 12, 1896.
John A. Brown, et al.	January 22, 1897.
William Henry Middle	January 22, 1897.
Lulu Benton Bond, et al.	December 22, 1896.
Pauline Bond Garrett	January 22, 1897.
Esther Irvin, et al.	November 10, 1896.
Harriman Robinson	December 24, 1896.
George Robinson, et al.	December 24, 1896.
Cervenia Clark	November 10, 1896.
Jesse King	January 22, 1897.
Hettie Brown, et al.	June 10, 1896.

A copy hereof and all the papers in the above mentioned cases have been sent to the Dawes Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

37 inclosures, and
74 to Ind. Off.

A. L. M.
[illegible]-97.

Dismissed
May 27, 1964

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

Gracie Addington 7 -D-639.

----o----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 28, 1904.

In the matter of the application of Grace Addington for enrollment as an intermarried citizen of the Choctaw Nation. Grace Addington, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Grace Addington.
Q What is your post office address? A Addington.
Q Indian Territory? A Yes sir.
Q That is in the Choctaw Nation? A It is in the Chickasaw Nation.
Q What is your age? A 18.
Q You are a resident then of the Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation?
A Four years.
Q Have you lived there continuously all of that time?
A No sir.
Q Where else have you lived during that time? A Texas.
Q When did you first come to the Indian Territory?
A It has been four years.
Q When you first came to the Indian Territory four years ago?
A Yes sir.
Q From what state? A I do not know what state it was.
Q What is the name of the place you came from? A Belcher.
Q You do not know whether that is in the state of Texas or not?
A Yes sir it is in the state of Texas.
Q How long did you live in the Chickasaw Nation at that time?
A I don't know.
Q When you left the Indian Territory where did you go to?
A Went back to Belcher.
Q Texas? A Yes sir.
Q How long did you stay there? A Well, I don't know.
Q Did you stay there a year? A Yes sir.
Q Did you stay more than a year? A No.
Q Have you been a resident continuously of the Chickasaw Nation for the last year? A Yes sir.
Q Have you been a resident continuously of the Chickasaw Nation for more than one year? A No sir.
Q What is the name of your father? A Adams.
Q Give his full name? A Will.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir?
Q What is the name of your mother? A Martha Adams.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Do you make any claim to Indian citizenship by blood?
A No sir.
Q You are now making application to be enrolled as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Have you ever been enrolled as a member of any tribe of Indians? A No sir.
Q Did you ever make application prior to this time for enrollment? A No sir.
Q Through whom do you claim your right as an intermarried citizen of the Choctaw Nation? A Through my husband.
Q What is his name? A Zacharish Addington.
Q How old is he? A 18.
Q Do you know whether or not he has been listed for enrollment by this Commission as a citizen of the Choctaw Nation?

A Yes sir. No, I do not.
Q What is the name of your husband's father? A Columbus Addington.
A Is he living? A No sir.
Q What is the name of his mother? A Well, I don't know.
Q Is she living? A No sir.

The name of Zacharish Addington, 18 years of age, appears upon Choctaw roll card, field No. 6-255, listed for enrollment as a citizen of the Choctaw Nation, September 25, 1896 in pursuance of a judgment rendered by the United States Court, at South McAlester, Indian Territory, for the Central District of the Indian Territory, August 26, 1897, in Court Case No. 182.

Q When were you married to Zacharish Addington? A In January.
Q What year? A 1901.
Q Have you your marriage license and certificate? A Yes sir.
Q Do you desire to file them with the records of the Commission? A Yes sir.

There is offered in evidence, filed and made a part of the records in this case, a marriage license issued by the clerk of the United States Court for the Southern District of the Indian Territory, dated January 18, 1901, to Z. A. Addington and Grace Adams, and a certificate of marriage that the ceremony was performed January 18, 1901, by S. N. Wootten, Deputy United States Clerk. This license and certificate is endorsed as being filed the 28th day of January, 1901, and recorded in Book E, Marriage Record, Page 297, in the office of the Clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore, Indian Territory.

Q You were married under this license were you? A Yes sir.
Q Who obtained the license, you or him? A Mr. Addington.
Q Why were you not married under a Choctaw license?
A Well, I don't know.

-----oOo-----

Zachariah Addington, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Zacharish Addington.
Q How old are you? A 21 years old.
Q What is your post office address? A Addington, Indian Territory, Chickasaw Nation.
Q You are a Choctaw Citizen by blood? A Yes sir.
Q Were you admitted as a Choctaw citizen by blood by the tribal authorities of the Choctaw Nation?
A Yes sir.
Q When? A In 1896.
Q How do you understand that question, sure? A I believe I do, state it again.
Q I asked were you ever admitted to citizenship in the Choctaw Nation by the tribal authorities of the Choctaw Nation?
A No sir.
Q Were you admitted to citizenship by the Commission to the Five Civilized Tribes? A Yes sir.
Q How were you admitted? A By Blood.
Q You were admitted as a citizen by blood? A Yes sir.

Grace Addington---3---

Q. Were you admitted in pursuance of a judgment of the United States Court, rendered at South McAlester, Indian Territory? A. Yes sir.
Q. August 26th, 1897, in court case No. 121? A. Yes sir.
Q. You are the identical person named as Rachelah Addington, who was admitted by the United States Court at South McAlester, Indian Territory on the 25th day of August, 1897, in Court Case No. 121, styled Henry E. Miller, et al. vs. the Choctaw Nation? A. Yes sir.

The Court Records examined and the name of Rachelah Addington is found thereon as admitted by the United States Court for the Central District of Indian Territory at South McAlester, Indian Territory, August 25, 1897, in court case No. 121, Henry E. Miller, et al. vs. The Choctaw Nation.

Q. To whom are you married? A. Grace Adams was her name before she married.
Q. When were you married? A. January 16, 1901.
Q. Were you married under a Choctaw license? A. No sir.
Q. Under what license were you married? A. Chickasaw, I guess, got in the Chickasaw country.
Q. How much did you pay for your license? A. Two dollars and a half.

---oOo---

A copy of the decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you at your present post office address.

---oOo---

Kate De Bord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate De Bord

Subscribed and affirmed to before me this 26th day of June, 1901.

James L. Dodson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 25 1901

Certificate of Record of Marriage

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District. } sct.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. J. A. Addington and

M Ella Adams

were filed in my office in said Territory and District the 25 day of Jan A. D. 1901

and duly recorded in Book 6 of

Marriage Record, Page 297

WITNESS my hand and Seal of said Court, at Ardmore, this 25th day of Jan A. D. 1901

C. M. Campbell
C. M. CAMPBELL, Clerk. CLERK

Marriage License

United States of America,
INDIAN TERRITORY
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage, Greeting:

You Are Hereby Commanded To solemnize the Rite and publish the Banns of Matrimony between Mr. Z. A. Addington, of Addington in the Indian Territory, aged 21 years and M. Grace Adams, of Addington, in the Indian Territory, aged 17 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this 15th day of January, A. D. 190 1

By H. H. Norton Dep.

Clerk of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

I, H. H. Norton Dep. U. S. Clerk.

do hereby certify, that on the 15th day of January, A. D. 190 1, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 15th day of January, A. D. 190 1.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book ____, Page ____

H. H. Norton
Dep. U. S. Clerk.

(NOTE.—The person officiating should fill in the spaces for book and page and sign here.)

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, by the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 18, 1902.

In the matter of the application of Gracie Addington for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-639.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys fo the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Gracie Addington for enrollment as a citizen of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clarence Hillwood

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BREckinridge

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-638

Muskogee, Indian Territory. March 5, 1902.

Gracie Addington,

Addington, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

7-D-639.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Gracie Addington for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Gracie Addington, nee Adams, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Zachariah Addington. The right of the applicant's husband, Zachariah Addington, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 9, 1904, in case No. 61, upon the South McAlester docket of said court, it is hereby ordered that the application of Gracie Addington for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 27 1908

7- D- [illegible],

COPY.

Muskogee, Indian Territory, June 8, 1904.

Gracie Addington,

Addington, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 296.

V- D- 638.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, date: May 27, 1906, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Francis Addington.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. V- D- 638.

See Choctaw R- 650 for registry receipt for this letter.

CHOCTAW D 640

Dora Russell

Record transferred to
Choctaw

D 64

Brick P. Alley.

Record transferred to Choctaw card #4694.

CHOCTAW D 642

Helen I. Hard.

Record transferred to
Choctaw card #2472

D. 643

Ida V. Lawrence.

Record transferred to
Chactaw card #3678

CHOCTAW D 64

Minnie L. Hailey

Record transferred to
Choctaw card #46:3.

D 645

Mary Ann Rail

Record transferred to
Choctaw card #30644

CHOCTAW D 616

Walker C. Burnett

CANCELLED

and transposed to
Chickasaw card 1812,
May. 15. 1905.

Jack Pennel

Record transferred to
Choctaw card # 290.

CHOCT... D. 645

Andrew J. Pendell

Record transferred to Choctaw card #3871

S. 649

Cynthia E Lewis.

Record transferred to
Choctaw card #3494

d. 650

Nellie Alice Walls

Record transferred to
Choctaw card #4456

A. 631

Richard T. Pust.

Record transferred to Choctaw card # 4230

Chester D-562

Joseph Moran et al

D-562

APPLICATION
FT. ALL,

PPR
JUL 1903

LGD
GDR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Roberts, et al., for enrollment as citizens by blood of the Choctaw Nation, consolidating the applications of:

Elizabeth Roberts, et al.,	Choctaw D-653
Alice Teague et al.,	Choctaw D-654
Charles D. Moran, et al.,	Choctaw D-655
Joseph Moran, et al.	Choctaw D-652

D E C I S I O N

It appears from the record in this case that at Atoka, Indian Territory, August 22, 1901, personal applications were made to the Commission by Elizabeth Roberts for the enrollment of herself and her minor child, Rosie Roberts; by Alice Teague for the enrollment of herself and her two minor children, Jesse and Calvin Teague; by Charles D. Moran for the enrollment of himself and his minor child, Emmet Moran; and by Joseph Moran for the enrollment of himself and his brother, Joab Moran, as citizens by blood of the Choctaw Nation; and that on November 22, 1902, written application was made to the Commission for the enrollment as a citizen by blood of the Choctaw Nation of Pias Delbert Moran, infant son of Charles D. Moran, satisfactory proof of the birth of said child on September 5, 1902, being filed with the Commission at that time.

It further appears from the record in this case that applicant, Emmet Moran, died October 4, 1901, proof of his death being filed with the Commission November 22, 1902. His application for enrollment as a citizen by blood of the Choctaw Nation will not be considered further.

The record in this case further shows that Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry Moran and Martha Moran, who, with their four children, John, Elizabeth, Sarah and an infant (name not given), were admitted to Choctaw citizenship by an Act of the General Council, approved November 3, 1879, entitled "An Act recognising Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation," a certified copy of said act being attached hereto and made a part of the record in this case. From the record it is further shown that Elizabeth Roberts was the only one of the applicants herein whose name was included in said act, although the applicants, Alice Teague and Charles D. Moran, were living at that time. The applicants Joseph Moran and Joab Moran were born after the admission of their parents.

It further appears from a careful examination of the tribal rolls in the possession of the Commission that none of the applicants herein has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities of said Nation.

The record in this case further shows that none of the applicants herein was a resident in good faith of Indian Territory on June 28, 1898; that all of them who were then living resided in the State of Texas at that time and had so resided for the three years next prior thereto and that none of them removed to and settled in Indian Territory until April, 1901.

It is therefore the opinion of this Commission that the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Moran, Pius Delbert Moran, Joseph Moran and Jeab Moran as citizens by blood of the Choctaw Nation should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
Feb. 25, 1903.

7-D-287.

Choctaw Nation,

Oct. 26 1879

To the General Council.

Your committee to whom was referred the petition of Mrs Elizabeth Moran as king that her claim to citizenship in the Choctaw Nation be established, beg leave to report the following bill:

An act recognizing Mrs. Elizabeth Moran and her decendants as citizens of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Assembled: that Elizabeth Moran Nee' Buckholts with nine children, three of whom are married, viz: Henry and Martha Moran his wife and four children John Elizabeth, Sarah and infant, 2 Sarah and George Izard her husband and seven children Mary Jane, Salina, Silas, Tobitha, Georgeiana, Ular and John, 3 Salina Moran, 4, Marmaduke and his wife Catharine Moran and four children John, Charles, Salina, and George, 5, Reuben Moran 6 Charles Moran 7 John Moran, 9 Daniel Moran all hereby admitted permently to all the rights and privilages of citizenship in said Nation

Your Committe now ask to be discharged from further consideration of this case.

Respectfully

Chikpasa Newya

Chairman of Committe on Petitions

approved of this the 3 of Nov. 1879.

I. L. Garvin

Principal Chief C. N.

This is to certify that the foregoing is a true and correct copy from the original Bill passed & approved at the regular term of the General Council of the Choctaw Nation now on file in my office.

[illegible]

Witness my hand and the great seal of the Choctaw Nation this the 9th day of October A. D. 1893.

J.B. Jackson

National Secretary

Choctaw Nation.

(NATIONAL SEAL).

United States of America,

Indian territory, ss.

Central District.

I, D. H. Linebaugh, a Notary Public in and for the Central District of the Indian Territory do certify that the foregoing is a true, complete and correct copy of a certified bill passed by the Choctaw Council on October, 30th, 1879 and approved on the 3rd day of November 1879, and certified to as a correct copy on the 9th day of October 1893 by J.B. Jackson, National Secretary of the Choctaw Nation.

Witness my hand and seal of Notary Public this the 22nd day of August, A.D. 1902.

D. H. Linebaugh,

Notary Public.

(SEAL)

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 22, 1901.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Joseph Moran and his twin Brother Joab Moran, the orphan children of Henry and Martha Moran.

Applicants represented by A. Telle their Attorney.

Said Joseph Moran being duly sworn testified as follows:

- Examination by the Commission -

Q What is your name? A Joseph Moran.
Q How old are you? A Eighteen years old.
Q What is your brother's name? A Joab Moran.
Q How old is he? A Eighteen years old.
Q Are you twins? A Yes sir.
Q Always lived together? A Yes sir.
Q Where do you live now? A We live in the Choctaw Nation Oconee.
Q How long have you lived in the Choctaw Nation? A About four months.
Q Where did you and your brother live before that? A In Texas.
Q Always lived in Texas before you came to the Indian Territory? A Yes sir.
Q Never been here before? A We was here in '95.
Q How long did you stay then? A Nine months.
Q What is your father's name? A Henry Moran.
Q Your father living? A No sir.
Q What is your mother's name? A Martha Moran.
Q Is your mother living? A A No sir.
Q You and your brother derive your Choctaw blood through which one of your parents? A Our father.
Q How much Choctaw blood have you? A 1/16th.
Q Are either you or your brother married? A No sir.
Q Have either of you been enrolled by the Choctaw Tribal Authorities as citizens of the Choctaw Nation? A No sir.
Q Have either one of you, or has any one for you ever made application to the Choctaw Tribal Authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q In 1896, was any application made to this Commission for either you or your brother for citizenship in the Choctaw Nation? A No sir.
Q Have you or your brother ever been admitted to citizenship in the Choctaw Nation by the United States Court in Indian Territory? A No sir.
Q You are making application for the enrollment of your self and your brother as citizens by blood of the Choctaw Nation? A Yes sir.
Q Under what authority of law or what special act of admission do you claim such right to enrollment? A (by Attorney) These applicants claim Choctaw citizenship and the right to enrollment by virtue of an act of the Choctaw Council, approved November 3, 1876, admitting their father Henry Moran and their mother Martha Moran to citizenship in the Choctaw Nation. They were born after the passage of that act. A certified copy of said act admitting their father and mother to citizenship is hereby filed and asked to be made a part of the record in this case.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, a certified copy of the act of the Choctaw Council, approved November 3, 1879 entitled" and not recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation.

Q You stated you and your brother are both eighteen years of age? A Yes sir.
Q What is your birth-day? A August first,
Q What year? A 1883.

Applicant excused.

Joseph Roberts being first duly sworn testified as follows.

Q What is your name? A Joseph Roberts.
Q How old are you? A Thirty years old.
Q Where do you live? A Close to Oconee.
Q Where is that? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I have been here since about the first of April?
Q What year? A This year.
Q Are you a citizens of the Choctaw Nation? A No sir.
Q Are you a white man? A Yes sir.

- Examination by Attorney R. Tolle.

Q Do you know Joseph and Jeab Moran? A Yes sir.
Q What was their father's name? A Henry Moran.
Q What was their mother's name? A Martha Moran.
Q How long have you known these boys? A Well, I have known these boys about fifteen years.
Q Do you know them to be the children of Henry and Martha Moran? A Well I saw them there when they were very small children.
Q And did Henry and Martha Moran claim them as their children? A Yes sir.
Q And you have been intimately acquainted with them since that time? A Yes I have been with them all of the time since then.
Q They make their home with you? A Yes sir.

Witness excused.

Daniel S. Moran being duly sworn testified as follows:

Q What is your name? A Daniel S. Moran.
Q How old are you? A Forty years.
Q What is your post-office address? A Ego, Indian Territory.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How did you become a citizen? A By an act of the Council of the Choctaw Nation.
Q What is that act entitled? A "Admitting Elizabeth Moran and her children to citizenship by blood"
Q Do you know these two applicants, Joseph and Jeab Moran? A Yes sir.
Q Do you know them to be the children of Henry and Martha Moran? A I was at my brother's, Henry Moran's home in '87 and these two boys were there and they called their parents as father and mother.

Q. You recognize them as the identical children that were at your father's house in 1898? A. Yes.

Q. What relation was Henry Moran to you? A. He was my brother.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said 22nd day of August 1901.

G Rosenwinkel

Subscribed and sworn to before me this 24th day of August 1901.

A W Lenebaugh

Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR

D.C. 28726-1904.
I.T.D. 6770-1904. WASHINGTON September 1, 1904.

L.R.S.

Commissioner of the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from Messrs. Riley & Cotner, Tishomingo, Indian Territory, dated August 8, 1904, with which they transmitted a motion to reopen the matter of the application of Elizabeth Roberts et al, for enrollment as citizens by blood of the Choctaw Nation. Your decision rejecting the applicants in said case was approved by the Department July 18, 1903.

The petition alleges that the Department erred in holding, among other things, that the applicants were not residents in good fatih on the Indian Territory, on June 28, 1898.

The record in said case shows that the applicants were not residents in the Choctaw Nation in 1898; that they always lived in the State of Texas, with the exception of a short visit to the Choctaw Nation in 1898, until the year 1901, when they permanently located in the Choctaw Nation. The record fails to show that prior to 1901 any of the applicants ever acquired property rights in the

Nothing, or performed any act which might possibly be construed as establishing a permanent residence therein.

The notice is hereby denied, and you will so notify Messrs. Riley & Potter.

Respectfully,

Thos. Ryan.
Acting Secretary

(COPY)

K
Land.
45087-1903.
54562-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON August 20, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of July 18, 1904, (I. T. D. 5208-1904), there is enclosed a copy of a communication from Messrs. Riley & Cotner, attorneys at law, Tishomingo, Indian Territory, dated August 8, 1904, transmitting motion to reopen and readjudicate the application of Elizabeth Roberts et al., for enrollment as citizens by blood of the Choctaw Nation. The record in the case is enclosed.

Very Respectfully,

A.W.Jones.

Commissioner.

SAW-E.

Choctaw D-653

Elizabeth Roberts

REFUSED. FEB 25 1903

COPY OF DECISION FORWARDED
APPLICANT FEB 25 1903

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. FEB 25 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. FEB 25 1903

RECORD FORWARDED DEPARTMENT.
FEB 25 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 18 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUL 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUL 31 1903

See Selections II 654. II 655
II 652.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 22, 1901.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Elizabeth Roberts and her minor child.

Applicant represented by A. Telle her attorney.

Said Elizabeth Roberts being first duly sworn testified as follows:

- Examination by the Commission -

Q What is your name? A Elizabeth Roberts.
Q How old are you? A Thirty years old.
Q Where do you live? A I have been living in Texas.
Q Where do you live now? A I am living at Oconee.
Q Where is that? A (No answer)
Q Is it in the Indian Territory? A Yes sir.
Q In the Choctaw Nation? A I don't know whether in the Choctaw or Chickasaw Nation.
Q Where do you live in the Indian Territory, in what Nation? A Well, I suppose in the Choctaw Nation, Indian Territory.
Q How long have you lived in the Choctaw Nation, in the Indian Territory? A About one month I reckon.
Q Where did you live before you came to the Indian Territory? A I lived in Texas, Travis County.
Q How long did you live in Texas? I have lived in Texas all my life until we came out here, with the exception of one time we made a trip out here.
Q When was that? A I don't rightly recollect, I think tho' it was in '95.
Q How long did you stay? A About nine months.
Q Did you have a residence here then? A Yes sir, we lived up there at Ego.
Q What did you do here? A We came out here to enroll, but we did not make any application and went back.
Q What is your father's name? A Henry Moran.
Q Is he living? A No sir.
Q What is your mother's name? A Martha Moran.
Q Is your mother living? A No sir she aint'.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood have you? A 1/16th I believe we claim.
Q How when you was here in '95 were your mother and father living? A No sir.
Q Well did you come here with the idea and intention of establishing your residence in the Choctaw Nation? A No I did not come here with that intention, we just came out here partly to visit and see the folks.
Q Why did you go back to Texas? A Well we just got disappointed and thought we could get on well here.
Q That is the only time you were here the 9 months in '95? A No sir we came here when my brother came. We came in April.
Q April what year? A This year and then went back and came right back again.
Q You were not here from '95 until April this year? A No sir.

Q Are you married? A Yes.
Q Have you any children? A One.
Q What is the name of your child? A Rosie.
Q How old is the child? A Seven years old.
Q What is the father of the child? A Joseph Roberts.
Q Are you making any application for him? A No.
Q He is a white man? A Yes he is a white man.
Q Have you or your child ever been enrolled by the Choctaw Tribal Authorities in the Indian Territory as citizens of the Choctaw Nation? A No sir.
Q Did you or did any one for you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation?
A Yes my grand mother did.
Q What was your grandmother's name? A Elizabeth Moran.
Q She made an application to the Choctaw Council to be admitted to citizenship in the Choctaw Nation? A Yes sir.

By Attorney A Wells.

In support of the applicant's claim to citizenship and enrollment as a citizen of the Choctaw Nation, she filed an act of the Choctaw Council admitting her father Henry Moran and her mother Martha Moran and the applicant: said act being approved November 3, 1879.

By the Commission.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this application certified copy of an act of the General Council of the Choctaw Nation, approved November 3, 1879, recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation.

Q Have you any brothers or sisters older than you are? A I have a brother?
Q What is his name? A John E. Moran.
Q How old is he? A He will be thirty-two years old.
Q What is the name of your brother or sister younger than you are?
A The next sister is Sarah, the next is Alice.

Applicant excused.

Daniel S. Moran, being first duly sworn testified as follows:

Q What is your name? A Daniel S. Moran.
Q How old are you? A Forty years old.
Q What is your post-office address? A Ego.
Q Where is that? A Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A Twenty-two years.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How did you become a citizen of the Choctaw Nation? A I inherited it through blood.
Q How were your rights established? A By an act of the council.
Q Do you know the name of that act, how it was entitled? I don't understand the question--Oh, "an act admitting Elizabeth Moran and her children".
Q Do you know this applicant Elizabeth Roberts? A Yes sir.
Q What was her maiden name? A Elizabeth Moran.
Q What was her father's name? A Henry Moran.
Q What was her mother's name? A Martha Moran.
Q Did you know Henry Moran? A Yes.
Q Was he any relation to you? A Yes he was my brother.

[illegible]

Q. Do you know this witness [illegible] to be the same [illegible] and the [illegible] [illegible] I know him, [illegible] [illegible]

Q. Did you know by the Creek Nation A. I was at Okmulgee [illegible] I [illegible] the witness in the [illegible] and [illegible] [illegible] and was [illegible] on one case of the [illegible] [illegible] and his father and mother.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled Cause on August 22nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G Rosenwinkel

Subscribed and sworn to before me this 24 day of August 1901.

R W Limebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Atoka, I.T. August 22,1901.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Alice Teague and her two minor children.

Applicant represented by attorney A. Tolle.

Said Alice Teague being first duly sworn testified as follows:

- Examination by the Commission -

Q What is your name? A Alice Teague.
Q How old are you? A Twenty-four.
Q Where do you live? A I have been living in Texas.
Q What is your post-office address at this time? A Oconee.
Q Where is that? A I don't know where it is.
Q Where do you live? A We live there at Oconee.
Q Where is Oconee, what Nation is it in? A It is in the Territory
Q You know what Nation? A Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I have been here about one month.
Q How long have you been in the Indian Territory? A One month.
Q Ever live here before that? A No.
Q Where did you come from to the Territory? A Austin.
Q What State? A United States.
Q What state is Austin in? A Hayes County.
Q Where did you live before you came to the Indian Territory? A Travis County.
Q What state is Travis County in? A (No answer)
Q If you don't know you can say so? A I don't know what state.
Q Where were you born? A Born in Travis County.
Q Always lived there? A Yes I lived there all my life.
Q But you don't know what state that is in? A No sir.

"Travis County is in the state of Texas."

Q You lived there in Travis County all the time until you came to the Indian Territory about a month back? A Yes.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Henry Moran.
Q Is your father living? A No sir.
Q What is your mother's name? A Mattie Moran.
Q Is your mother living? A No sir.
Q Which one of your parents is a Choctaw? A My father.
Q Is your mother a white woman? A Yes sir.
Q How much Choctaw blood have you? A I don't know. (Attorney says about 1/16th)
Q Are you married? A Yes sir.
Q What are the names and ages of your children? A Jesse Teague.
Q Is that a boy or girl? A Boy.
Q How old is he? A Eight years old.
Q What is the name of your other child? A Calvin Teague.
Q How old is he? A He is seven months old.
Q You are the mother of both of these children? A Yes sir.

Q And both of them are living with you? A Yes sir.
Q What is the name of the father of these children? A Jesse Teague.
Q He is a white man? A Yes sir.
Q Have you or your children ever been enrolled as citizens of the Choctaw Nation? A No.
Q Have you ever applied to the Choctaw Tribal Authorities to be enrolled? A No sir.
Q In 1896, did you or did any one for you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No sir.
Q You are making application for enrollment of yourself and your two children as citizens by blood of the Choctaw Nation? A Yes sir.
Q On what do you base your rights to enrollment? A (by attorney) She claims her right to enrollment by virtue of an act passed by the Choctaw Council, approved November 3, 1879, entitled"An act recognising Mrs. Elizabeth Moran and her children as citizens of the Choctaw Nation". I will say in this connection that Henry and Martha Moran and their four children John, Elizabeth, Sarah and an infant not named were admitted by this act. The applicant Alice Teague is the infant referred to in this act of admission.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this application a certified copy of the act of the Choctaw Council, approved November 3, 1879, admitting Mrs. Elizabeth Moran and her children to citizenship in the Choctaw Nation.

Q Have you any brothers or sisters living? A Yes sir.
Q What is the name of your next oldest sister? A Sallie.
Q What is the name of the one older than Sallie? A Lizzie.
Q Have you any other brothers or sisters older than Lizzie? A Yes, Johnnie.
Q Is he the eldest one of the family? A Yes.
Q When were you born? A I don't know.
Q Don't you know the date you were born? A No sir.

Applicant excused:

Daniel S. Moran being duly sworn testified as follows:

Q What is your name? A Moran.
Q Your full name? A Daniel S. Moran.
Q How old are you? A I am forty years old.
Q What is your post-office address? A Ego.
Q Where is that? A Choctaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How did you become a citizen? A By blood.
Q Were you admitted by an act of the Council of the Choctaw Nation? A Yes sir.

Q Do you know this woman who is now an applicant for enrollment, Alice Teague? A Yes sir.
Q How long have you known her? A Well I have known her a little over thirteen years, that is, it has been a little over thirteen years since I first saw her. I was at her fathers house in the year '87 and seen her and the other children there.
Q What is this womans father's name? A William Henry Moran.
Q What was her mother's name? A Martha Moran.
Q Are they living? A No sir.
Q You know this woman to be their child? A She was living there with them and called them Pa' and Ma'.
Q How old was she then? A I don't know her age exactly.
Q Well about how big a girl was she then? A She was right smart of a chunk of a girl at that time, some nine or ten years old I believe.
Q Are you any relation to Henry Moran? A He is my brother.
Q You have been living in the Indian Territory for the past twenty-two years? A Yes sir.
Q Where have Henry Moran and his family been living for the past twenty-two years? A In Travis County.
Q What is the name of Henry and Martha Moran's oldest child? A John.
Q And the next one? A Elizabeth.
Q Next one? A Sarah.
Q Next? A Alice.
Q That is the woman applying now? A Yes sir.
Q Are there any other children between Sarah and this child? A No sir.

- Examination by Attorney A. Telle.

Q Do you know why it was that this child was not named in this act admitting them to citizenship when your mother made application? A Why the child might probably have been named at the time. My mother came here in '79 to prove up her right and left the children behind and when she proved up her rights and they were fixing up the citizenship papers the governor himself came to her and told her, "now if you have any other children give in their names and their families and then when they come on they will have no trouble to prove up their rights, all you will have to do is to have them recognized." We had not seen this family for over two years although the wrote us, we lived in different Counties and when my mother came here to prove up her rights she knew there was one more child of Henry and Martha Moran and did not know the name, and told the governor that she did not know this one childs name and the governor said "just give it in as unnamed, and that is why the name did not appear.
Q Where did these people live that time time and were the mail facilities prompt at that time? A They lived in Travis County Texas and ofcourse the mail here was somewhat unhandy. We lived seven miles from the post-office and did not go to town often.

Witness excused.

G. [illegible] being [illegible] that as stenographer [illegible] he reported in [illegible] the proceedings had in the above entitled cause on August [illegible] 1941, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes in said cause on said date of August 1941.

G. Rosenwinkel

Subscribed and sworn to before me this 22 day of August 1941.

L. N. Rhinebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22, 1901.

In the matter of the application of Charles W. Moran for the enrollment of himself and his minor child as citizens by blood of the Choctaw Nation.

Applicant represented by A. Telle his attorney.

Said Charles W. Moran being first duly sworn testified as follws:

-Examination by the Commission -

Q What is your name? A Charles W. Moran.
Q How old are you? A I am twenty-two years old.
Q What is your post-office address? A Geones.
Q Where is that? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A About four months.
Q Where did you live before that? A I lived in Texas.
Q The only residence you have had in the Indian Territory has been during the past four months? A Yes sir.
Q You lived in Texas all the time prior to that? A No I was here five or six years ago.
Q What was you doing here then? Well I didn't do nothing, I just came here and then went back.
Q How long did you stay here? A Nine months.
Q Where were you? A Blue County, Choctaw Nation.
Q What is your father's name? A Henry Moran.
Q Is he living? A No he is not.
Q What is your mother's name? A Martha Moran.
Q Is she living? A No sir she is not.
Q Through which one of your parents do you derive your Choctaw blood?A Through my father.
Q How much Choctaw blood have you? A About 1/16th.
Q Are you married? A Yes sir I am.
Q Your wife a white woman? A Yes sir.
Q You make any application for her? A No.
Q Have you any children? A Yes sir, I have one.
Q What is the childs name? A Emmett.
Q How do you spell it? A Well my friends I have no education and I can't spell it.
Q How old is it? A Thirteen months old.
Q What is the name of the childs mother? A Annie Moran.
Q She is a white woman? A Yes sir.
Q Where did you marry her? A Austin, Texas.
Q When? The fourteenth of February 1898.
Q Did you get a marriage license? A Yes sir.
Q Married by a minister? A Yes sir.
Q Have you your marriage license and certificate? A Yes, I have it right here.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this application marriage license of Charles Moran and Annie Teague of the 14th of February 1899.

Q This child Emmett Moran, is it the child of your wife Annie Moran? A Yes sir he is.
Q Have you ever been enrolled by the Tribal authorities of the Choctaw Nation as a citizens of that Tribe? A No sir never have.
Q Have you ever made application to the Choctaw Tribal authorities to be enrolled? A No sir.
Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
Q You are making this application for enrollment of yourself and your minor child as citizens of the Choctaw Nation? A Yes sir.
Q Under what authority of law or special act of admission do you claim such right to enrollment? A (by attorney) That his father and mother, Henry and Martha Moran were admitted to Choctaw citizenship by an act of the Choctaw Council approved November 3rd, 1879 and in making application the applicants grandmother attempted to name all of her grand children, and although he was born at the time she failed to have his name inserted in the application. The applicant can make proof that he is the child he represents himself to be.

" The applicant in this case, from his testimony and the statement of his attorney is the child of Henry and Martha Moran, who were admitted by an act of the Choctaw Council, approved November 3, 1879, entitled "an act recognizing Elizabeth Moran and her descendants as citizens of the Choctaw Nation." Copy of said act is filed herewith marked exhibit "B" and made a part of the record in this application.
Q When was you born? A I was born in '79
Q What was your birth day? A July 9th.
Q Where was you born? A In Texas, Travis County.

Applicant excused.

Daniel S. Moran being first duly sworn testified as follows:

Q What is your name? A Daniel S. Moran.
Q How old are you? A Forty.
Q Where do you live? A At Ego.
Q In the Choctaw Nation? A Yes.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Do you know this applicant Charles W. Moran? A Yes sir.
Q Are you any relation to him? A He is my brother's child.
Q What is your brother's name? A Henry Moran.
Q What is your brother's wife's name? A Martha Moran.
Q Did this boy have any brother's and sisters older than he is? A One brother and three sisters.
Q What are their names? A Old brother is John, his sister Lizzie, the part one Sarah and the youngest Alice.

Q Do you know when this boy was born? A Nothing more than what he says.
Q How long have you known him? A Since '87.
Q How old a boy was he then? A Why he was some six or seven years old, I can't say just how old I never asked.

Examination by attorney Tolle.

Q You stated you went down to visit your brother's family? A Yes sir.
Q And this boy was a recognized member of the family? A Yes sir.
Q And was there with them when he was a small boy? A He was there with them.
Q How then was the first time the applicant came to the Chester Nation? I think it was in '96.
Q How long did he stay here? A He staid her about nine months.
Q And went back to Texas? A Yes sir.
Q And then when did he come back? A This year 1901.
Q About what month, do you remember? A No I don't.
Q Early in the spring or later? A Early in the spring, about April.

"The applicant basis his claim to citizenship and to be enrolled as a citizen on the fact that his father and mother and the rest of his family then living were admitted to citizenship by the Chester Council and that by oversight, although he was then living his name was not embodied in the application for citizenship. They were admitted by an act of the Chester Council approved November 3, 1879.

G. Rosenwinkel being duly sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G Rosenwinkel

Subscribed and sworn to before me this 24 day of August 1901.

D. Rhinebaugh

Notary Public.

7.3-025

[redacted]

To any, Constable attached or Sheriff Keeper of the Legal, Justice Court, Judge of the District or County Court, or any Peace Officer of the State, GREETING:-

You are hereby authorized to solemnize the Rites of Matrimony between Charles Brown and Annie Vaughn according to the laws of this State and that you make the return of this, your authority, to the Clerk of the County Court for said County, within sixty days thereafter, certifying your action under this license.

Witness my official signature and seal of office at office in Austin, Texas, the 14th day of February 1908 .

Jno.T.Moberly, Clerk of County Court,

Travis County,

By Jno. T. Moberly, Deputy.

Recorded
J. GRAY
Recorder

I,E.H.Stephen, hereby certify that on the 14 day of May,1908, I united in Marriage Charles Brown and Annie Vaughn.

Witness my hand, this 14 day of May,1908

E.H.Stephen, J.P.

Travis County, Texas.

[redacted]

Returned and filed for record the 16day of February 1909 and recorded this 20 day of April 1908.

Deputy Jno.T.Moberly, County Clerk.

T.D.-[illegible].

THE STATE OF TEXAS }
COUNTY OF TRAVIS. }

I, [illegible], Clerk of the County Court, within and for the State and County aforesaid, do hereby certify that the foregoing one page contains a true and correct copy of the Marriage License issued to Charles Hayes and Annie Tongue.

Also the certificate of the opinion of the Court, and the Ceremony; and

Also the Return thereof to the same appears of record in Book No.10 on page 322, of the Marriage Records of Travis County, Texas.

Given under my hand and seal of said Court, at Austin, Texas, this 6th.,day of July 1921.[illegible]

Clerk, County Court, Travis Co., Tex.

****
* SEAL *
****

Certified copy. Marriage License.
Charles Hayes
and
Annie Tongue.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Filed Aug.22, 1921.

Choctaw — indexed

IN RE

Application for Enrollment of

INFANT CHILD

Pius Delbert Mann

as a citizen of the

Choctaw Nation.

Approved Sept 30 1902

Tams Bixby Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 30 1902

ACTING CHAIRMAN

Choctaw
D. 66-5

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Pias Delbert Moran (Here insert name of child), born on the 5th day of Sept., 1902
Name of Father: Charles Douglas, a citizen of the Choctaw Nation.
Name of Mother: Annie Moran, a citizen of the Choctaw Nation.
Post-Office: Oconee Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central Judicial District.

I, Annie Moran, on oath state that I am 21 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Chas. Douglas Moran, who is a citizen, by Birth, of the Choctaw Nation, that a Boy (Male or female.) child was born to me on the 5th day of Sept 1902; that said child has been named Pias Delbert Moran, and is now living.

(signed) Annie Moran

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of Sept 1902.

J. H. Hornigan *Notary Public.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, E. M. Wright, a Physician, on oath state that I attended on Mrs. Annie Moran, wife of Chas Douglas Moran, on the 5th day of Sept, 1902; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named Pias Delbert Moran.

E M Wright M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 25 day of Sept 1902.

D. H. Linebaugh *Notary Public.*

7-D-655

32 endorsed

IN RE
THE DEATH OF

Sunset Moran

a citizen of the

Choctaw Nation.

Approved Nov 22, 1902 190

Tams Bixby
Commissioner

DEPARTMENT OF THE INTERIOR;
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 22 1902

ACTING CHAIRMAN.

Choctaw. D. 655

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy

In the matter of the death of Emmet Moran (Here insert name of deceased)

a citizen of the Choctaw Nation, who formerly resided at or near Oconee (Here insert name of post office), Ind. Ter., and died on the 4 day of October, 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Charles D Moran, on oath state that I am 28 years of age and a citizen, by blood, of the Choctaw Nation; that my post office address is Oconee (Here insert name of post office) Ind. Ter.; that I am father (State relationship as: the father; an uncle; a cousin, etc.) of Emmet Moran (Here insert name of deceased), who was a citizen, by blood, of the Choctaw Nation; and that said Emmet Moran (Here insert name of deceased) died on the 4 day of October, 1901

his
Charles X D Moran
mark

WITNESSES TO MARK:

(Must be Two Witnesses) R. M. Wilson
Wm C Bunn.

Subscribed and sworn to before me this 19 *day of* November *190* 2

(Seal) H. C. Rustem
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, P. D. Hearrell, on oath state that I am 54 years of age, and a citizen, by Marriage, of the Choctaw Nation; that my post office address is Olney (Here insert name of post office) Ind. Ter.; that I was personally acquainted with Emmet Moran (Here insert name of deceased) who was a citizen by blood, of the Choctaw Nation; and that said Emmet Moran (Here insert name of deceased) died on the 4 day of October, 1901

P. D. Hearrell

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 19 *day of* Nov. *190* 2

(Seal) H. C. Rustem
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. August 22, 1901.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Joseph Moran and his twin Brother Jeab Moran, the orphan children of Henry and Martha Moran.

Applicants represented by A. Telle their Attorney.

Said Joseph Moran being duly sworn testified as follows:

- Examination by the Commission -

Q What is your name? A Joseph Moran.
Q How old are you? A Eighteen years old.
Q What is your brother's name? A Jeab Moran.
Q How old is he? A Eighteen years old.
Q Are you twins? A Yes sir.
Q Always lived together? A Yes sir.
Q Where do you live now? A We live in the Choctaw Nation Oconee.
Q How long have you lived in the Choctaw Nation? A About four months.
Q Where did you and your brother live before that? A In Texas.
Q Always lived in Texas before you came to the Indian Territory? A Yes sir.
Q Never been here before? A We was here in '95.
Q How long did you stay then? A Nine months.
Q What is your father's name? A Henry Moran.
Q Your father living? A No sir.
Q What is your mother's name? A Martha Moran.
Q Is your mother living? A A No sir.
Q You and your brother derive your Choctaw blood through which one of your parents? A Our father.
Q How much Choctaw blood have you? A 1/16th.
Q Are either you or your brother married? A No sir.
Q Have either of you been enrolled by the Choctaw Tribal Authorities as citizens of the Choctaw Nation? A No sir.
Q Have either one of you, or has any one for you ever made application to the Choctaw Tribal Authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q In 1896, was any application made to this Commission for either you or your brother for citizenship in the Choctaw Nation? A No sir.
Q Have you or your brother ever been admitted to citizenship in the Choctaw Nation by the United States Court in Indian Territory? A No sir.
Q You are making application for the enrollment of yourself and your brother as citizens by blood of the Choctaw Nation? A Yes sir.
Q Under what authority of law or what special act of admission do you claim such right to enrollment? A (by attorney) These applicants claim Choctaw citizenship and the right to enrollment by virtue of an act of the Choctaw Council, approved November 3, 1879, admitting their father Henry Moran and their mother Martha Moran to citizenship in the Choctaw Nation. They were born after the passage of that act. A certified copy of said act admitting their father and mother to citizenship is herewith filed and asked to be made a part of the record in this case.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, a certified copy of the act of the Choctaw Council, approved November 3, 1879 entitled" and act recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation.

Q You stated you and your brother are both eighteen years of age?
A Yes sir.
Q What is your birth-day? A August first.
Q What year? A 1883.

Applicant excused.

Joseph Roberts being first duly sworn testified as follows.

Q What is your name? A Joseph Roberts.
Q How old are you? A Thirty years old.
Q Where do you live? A Close to Geanoe.
Q Where is that? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I have been here since about the first of April.
Q What year? A This year.
Q Are you a citizens of the Choctaw Nation? A No sir.
Q Are you a white man? A Yes sir.

- Examination by Attorney R. Telle.

Q Do you know Joseph and Jeab Moran? A Yes sir.
Q What was their father's name? A Henry Moran.
Q What was their mother's name? A Martha Moran.
Q How long have you known these boys? A Well, I have known these boys about fifteen years.
Q Do you know them to be the children of Henry and Martha Moran? A Well I saw them there when they were very small children.
Q And did Henry and Martha Moran claim them as their children? A Yes sir.
Q And you have been intimately acquainted with them since that time? A Yes I have been with them all of the time since then.
Q They make their home with you? A Yes sir.

Witness excused.

Daniel S. Moran being duly sworn testified as follows:

Q What is your name? A Daniel S. Moran.
Q How old are you? A Forty years.
Q What ismyour post-office address? A Ego, Indian Territory.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How did you become a citizen? A By an act of the Council of the Choctaw Nation.
Q What is that act entitled? A "Admitting Elizabeth Moran and her children to citizenship by blood"
Q Do you know these two applicants, Joseph and Jeab Moran? A Yes sir.
Q Do you know them to be the children of Henry and Martha Moran? A I was at my brother's, Henry Moran's home in '87 and these two boys were there and they called their parents as father and mother.

4. You recognize them as the individual children that were at your brother's house in [illegible] & [illegible]?

5. That relations and kind serve to your [illegible] as was my brother.

6. Examined being duly sworn upon his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22, 1906, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said 24th day of August 1906.

G. Kasemovskel

Subscribed and sworn to before me this 24th day of August 1906.

A. Whinebaugh

Notary Public.

1-B-652

CHOCTA NATION,

Oct. 25, 1879.

To The General Council,

Your committee to whom was referred the petition of Mrs Elizabeth Moran asking that her claim to citizenship in the Choctaw Nation be established, beg leave to report the following bill:

An act recognizing Mrs Elizabeth Moran and her descendants as citizens of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Assembled. that Elizabeth Moran nee Bushbelts with nine children, three of whom are married, viz: Henry and Martha Moran his wife and four children John Elizabeth, Sarah and infant, 2 Sarah and George Imard her husband and seven children Mary Jane, Salina, Silas, Tobitha, Georgeanna, Ular and John, 3 Salina Moran, 4, Marmaduke and his wife, Catharine Moran and four children John, Charles, Salina, and George, 5, Reuben Moran 6 Charles Moran 7 John Moran, 8 Daniel Moran all hereby admitted permently to all the rights and privileges of citizenship in said Nation

Your Committe now ask to be discharged from further consideration of this case.

Respectfully

Chimson Bushy
Chairman of Committe on Petitions

Approved of this the 3 of Nov. 1879.

I. L. Garvin
Principal Chief
C. N.

This is to certify that the foregoing is a true and correct copy from the original Bill passed & approved at the regular term of the General Council of the Choctaw Nation now on file in my office.

Witness my hand and the great seal of the Choctaw Nation this the 9th day of October A. D. 1893.

J. R. Jackson
National Secretary
Choctaw Nation.

(National Seal)

United States of America } SS
Indian Territory
Central District }

I, D. H. Linebaugh, a Notary Public in and for the Central District of the Indian Territory do hereby certify that the foregoing is a true and correct copy of a certified bill passed by the Choctaw Council on October, 25th 1879 and approved on the 3rd day of November 1879, and certified to as a correct copy on the 9th day of October 1883 by J. S. Jackson, National Secretary of the Choctaw Nation.

Witness my hand and seal as such Notary Public this the 22nd day of August, A. D. 1901.

(SEAL) D. H. Linebaugh
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes

FILED

August 22 1901

Tams Bixby, Acting Chairman.

L B D.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Roberts, et al., for enrollment as citizens by blood of the Choctaw Nation, consolidating the applications of:

Elizabeth Roberts, et al.,	Choctaw D-653
Alice Teague, et al.,	Choctaw D-654
Charles D. Moran, et al.,	Choctaw D-655
Joseph Moran, et al.,	Choctaw D-652

D E C I S I O N .

It appears from the record in this case that at Atoka, Indian Territory, August 22, 1901, personal applications were made to the Commission by Elizabeth Roberts for the enrollment of herself and her minor child, Rosie Roberts; by Alice Teague for the enrollment of herself and her two minor children, Jesse and Calvin Teague; by Charles D. Moran for the enrollment of himself and his minor child, Emmet Moran; and by Joseph Moran for the enrollment of himself and his brother, Joab Moran, as citizens by blood of the Choctaw Nation; and that on November 22, 1902, written application was made to the Commission for the enrollment as a citizen by blood of the Choctaw Nation of Pima Delbert Moran, infant son of Charles D. Moran, satisfactory proof of the birth of said child on September 5, 1902, being filed with the Commission at that time.

It further appears from the record in this case that applicant, Emmet Moran, died October 4, 1901, proof of his death being filed with the Commission November 22, 1902. His application for enrollment as a citizen by blood of the Choctaw Nation will not be considered further.

The record in this case further shows that Elizabeth Roberts, Alice Teague Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry Moran and Martha Moran, who, with their four children, John, Elizabeth, Sarah and an infant (name not given) were admitted to Choctaw citizenship by an Act of the General Council, approved November 3, 1879, entitled "An Act recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation," a certified copy of said act being attached hereto and made a part of the record in this case. From the record it is further shown that Elizabeth Roberts was the only one of the applicants herein whose name was included in said act, although the applicants, Alice Teague and Charles D. Moran, were living at that time. The applicants Joseph Moran and Joab Moran were born after the admission of their parents.

It further appears from a careful examination of the tribal rolls in the possession of the Commission that none of the applicants herein has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities of said Nation.

[illegible] that none of the [illegible] of Indian Territory [illegible] living resided in [illegible] at that time and had so resided for the three years next prior thereto and that none of them removed to and settled in Indian Territory until April, 1901.

It is therefore the opinion of this Commission that the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Norman, Fine Delbert Norman, Joseph Norman and Noah Norman as citizens by blood of the Cherokee Nation should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting CHAIRMAN.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

FEB 25 1903.

Choctaw D-683

ory, February 25, 1903.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and minor child, Rosie Roberts, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Chairman.

Registered.
Enc. IBS. 46

Choctaw D-664.

ory, February 25, 1903.

Alice Teague,

Oconee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application, made by you for the enrollment of yourself and your two minor children, Jesse Teague and Calvin Teague, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN)

Chairman.

Registered.

Enc. IB.S 47

Choctaw D-666

ry, February 25, 1903.

Charles D. [illegible]

Stonco, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your minor child, Pias Delbert Moran as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

Chairman.

Registered.

Enc. 135. 48.

Choctaw D-652.

...ory, February 25, 1903

Joseph Moran,

Oconee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your brother, Joab Moran, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby,
Chairman.

Registered. 49 IBS.

Enc.

Choctaw D-653

...ory, February 26, 1903.

A. Tolle,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Moran, Pius Delbert Moran, Joseph Moran and Joab Moran as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Registered.

Enc. 1265. 50

COPY.

Choctaw-
D-653 D-654
D-655 D-656.

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Elizabeth Roberts, Bessie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Moran, Pias Delbert Moran, Joseph Moran and Joab Moran as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Enc. IBS. 51.

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Moran, Finis Delbert Moran, Joseph Moran, and Jeab Moran as citizens of the Choctaw Nation, including the decision of the Commission dated February 25, 1903, denying said applications.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Choctaw -
D-653 D-654
D-655 D-652.
Through the
Commissioner of Indian Affairs.

Copy.

Land

13862-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. June 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report from the Chairman of the Commission to the Five Civilized Tribes, dated February 28, 1903, forwarding, for the Department's consideration, the record relative to the application of Elizabeth Roberts et al., for enrollment as citizens of the Choctaw Nation.

Elizabeth Roberts applies for the enrollment of herself and her minor child Rosie Roberts; Alice Teague for the enrollment of herself and her two minor children, Jesse and Calvin Teague; Charles D. Moran for the enrollment of himself and his minor child Emmet Moran; Joseph Moran for the enrollment of himself and his brother, Jeeb Moran. November 22, 1902, Charles D. Moran also made application for the enrollment of his infant child, Pias Delbert Moran, who is properly identified by birth affidavit.

February 28, 1903, the Commission held that the applicants were not entitled to enrollment.

The record shows that on October 4, 1901, Emmet Moran, minor child of Charles D. Moran died. Emmet Moran having died prior to the ratification of the Choctaw-Chickasaw supplemental agreement, h

his application was not considered by the Commission.

Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran, the record shows, are the children of Henry and Martha Moran, who were admitted to citizenship in the Choctaw Nation by act of the National Council approved November 3, 1879. John, Elizabeth, Sarah, children of Henry and Martha Moran, and an infant, name not given, were admitted at the time the parents were admitted.

From the record it appears that Elizabeth Moran was the only one of these applicants admitted at the time her parents were admitted, unless one of the applicants is the one mentioned as an infant , by said act.

Alice Teague, nee Moran, was in being at the time her parents were admitted, and her name is not mentioned in the act of admission, as was also Charles D. Moran.

Joseph and Joab Moran were born subsequent to the date of the admission of their parents.

From the record it does not appear that any of the applicants have been enrolled and recognized as citizens of the Choctaw Nation.

Under the provisions of the act of May 31, 1900, the applicants not being recognized and enrolled citizens of the Choctaw Nation, are not entitled to enrollment. Furthermore, they were not residents of the Indian Territory od June 28, 1898. They did not remove and settle in the Indian Territory until April 1901. For this reason they are b not entitled to enrollment, and the approval of the

Commission's decision adverse to them is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

SAW-O.

D.C.19623
J.P.

DEPARTMENT OF THE INTERIOR.

WOP
RAP.

Washington.

July 18, 1903.

ITD.5208-1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

On February 25, 1903, you transmitted the record in the consolidated case involving the applications for enrollment as citizens by blood of the Choctaw Nation, of Elizabeth Roberts for herself and minor child Rosie Roberts; of Alice Teague for herself and her minor children, Jesse and Calvin Teague; of Charles D. Moran for himself and his minor child, Emmet Moran; and of Joseph Moran for himself and his brother, Joab Moran. Charles D. Moran also made application for the enrollment of his infant son, Pias Delbert Moran, who was born September 5, 1902.

It appears from the record in this case that the applicant, Emmet Moran, died October 4, 1901, proof of his death having been filed with the Commission November 22, 1902. His application for enrollment as a citizen by blood of the Choctaw Nation was therefore not considered.

The record further shows that Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry Moran and Martha Moran, who, with their four children, John, Elizabeth, Sera and an infant (name not given) were admitted to Choctaw citizenship by an act of the General Council approved November 3, 1879. From the record it is further shown that Elizabeth Roberts was

the only one of the applicants herein whose name was included in said act.

You state in your decision that it appears from a careful examination of the tribal rolls in the possession of the Commission, that none of the applicants herein has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities of said nation. The record further shows that none of the applicants was a resident in good faith in Indian Territory on June 28, 1898; that all of them who were then living resided in the State of Texas at that time, and had so resided for the three years next prior thereto, and that none of them removed to and settled in the Indian Territory until April, 1901.

The Commissioner of Indian affairs forwarded the papers June 23, 1903, and recommended that your decision denying the applications, be approved. A copy of his letter is herewith inclosed.

In regard to the construction of section 21 of the act of June 28,1898,see the opinion of the Assistant Attorney General, of July 8, 1903.

Upon a careful consideration of the whole case the Department finds no reason to modify your decision rejecting the applicants, and it is hereby affirmed.

Respectfully,

(Signed) Thos.Ryan

Acting Secretary.

1 inxlosure.

Choctaw-B-633

COPY.

Muskogee, Indian Territory, July 21, 1908.

Elizabeth Roberts,

Gowanes, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of July 16, 1908, affirmed the decision of this Commission, dated February 25, 1908, refusing the application made by you for the enrollment of yourself and minor child, Rosie Roberts, as citizens of the Choctaw Nation.

Respectfully,

GOWAN.

T. B. Needles

Commissioner in Charge.

Choctaw-B-654

COPY.

Muskogee, Indian Territory, July 31, 1906.

Alice Teague,

Geenee, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of July 18, 1906, affirmed the decision of this Commission, dated February 25, 1903, refusing the application made by you for the enrollment of yourself and minor children, Jesse Teague and Calvin Teague, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles,

Commissioner in Charge.

Cherokee-D-[illegible]

COPY.

Muskogee, Indian Territory, July 21, 1908.

Charles D. Moran,

Oconee, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of July 18, 1908, affirmed the decision of this Commission, dated February 25, 1908, refusing the application made by you for the enrollment of yourself and minor child, Pine Delbert Moran, as citizens of the Cherokee Nation.

Respectfully,

COMMR.

T. B. Needles,

Commissioner in Charge.

Choctaw-D-652

COPY.

Muskogee, Indian Territory, July 31, 1903.

Joseph Moran,

Coweta, Indian Territory:

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of July 18, 1903, affirmed the decision of this Commission, dated February 25, 1903, refusing the application made by you for the enrollment of yourself and your brother, Jeab Moran, as citizens of the Choctaw Nation.

Respectfully,

SIGNED.

T. B. Needles.

Commissioner in Charge.

Choctaw
D-[illegible] D-[illegible]
D-[illegible] D-[illegible]

COPY.

Muskogee, Indian Territory, July 21, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of July 12, 1906, affirmed the decision of this Commission, dated February 28, 1906, refusing the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Tengue, Jesse Tengue, Calvin Tengue, Charles D. Moran, Pina Delbert Moran, Joseph Moran and Jeab Moran, as citizens of the Choctaw Nation.

Respectfully,
MCKENZIE

T. B. Needles.
Commissioner in Charge.

Received from the Commission to the Five Civilized Tribes one copy each of the testimony of Elizabeth Roberts, Alice Teague, Charles D. Moran and Joseph Moran in the matter of their applications for enrollment as citizens by blood of the Choctaw Nation, taken at Atoka, Indian Territory, August 22, 1901.

Muskogee, Indian Territory,
July 12, 1904.

Choctaw D 653

Choctaw D 653

Muskogee, Indian Territory, July 12, 1906.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 6, stating that you represent Elizabeth Robers, nee Moran, and her child Rosa; Sallie Tauge, nee Roberts, and her child; Alice Tague, nee Roberts, Charlie D. Moran, Joseph Moran and Jeab Moran. You state that these persons claim to be entitled to enrollment and also claim to have made application to the Commission at Atoka, in 1901. You ask, if they are applicants for enrollment, that you be advised and furnished a copy of the record in the case.

In reply to your letter you are advised that it appears from our records that Elizabeth Roberts, on August 22, 1901, made application for the enrollment of herself and her daughter, Rosie Roberts, as citizens by blood of the Choctaw Nation; on the same date Alice Teague made application for the enrollment of herself and her children, Jesse and Calvin Teague, as citizens by blood of the Choctaw Nation.

At the same time and place Charles D. Moran made application for the enrollment of himself and his son Ernest Moran, as citizens by blood of the Choctaw Nation, and it further appears that

application was subsequently made for the enrollment of his son, Pima Delbert Moran, born September 5, 1902, as a citizen by blood of the Choctaw Nation.

On the same date Joseph Moran made application for the enrollment of himself and his brother, Joab Moran, as citizens by blood of the Choctaw Nation. It appears from our records that Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry and Martha Moran.

It further appears that on February 25, 1903, the Commission rendered its decision refusing the applications of all the persons named above, except Ernest Moran, as to whom the application was dismissed, he having died prior to September 25, 1902. On February 26, 1903, copies of this decision were forwarded each of the principal applicants, and the record in the case was transmitted to the Secretary of the Interior for review.

On July 18, 1903, the Secretary of the Interior affirmed the decision of the Commission, notice of such departmental action being forwarded the applicants on July 31, 1903.

In accordance with your request there are inclosed herewith copies of the testimony of the principal applicants above named, together with receipt therefor which please sign and return to this office.

Respectfully,

Chairman.

AB 2-12

(COPY)

DEPARTMENT OF THE INTERIOR

D.C. 32766-1904. WASHINGTON September 1, 1904.
I.T.D. 6778-1904.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from Messrs. Riley & Cotner, Tishomingo, Indian Territory, dated August 8, 1904, with which they transmitted a motion to reopen the matter of the application of Elizabeth Roberts et al, for enrollment as citizens by blood of the Choctaw Nation. Your decision rejecting the applicants in said case was approved by the Department July 18, 1903.

The petition alleges that the Department erred in holding, among other things, that the applicants were not residents in good fatih in the Indian Territory, on June 28, 1898.

The record in said case shows that the applicants were not residents in the Choctaw Nation in 1898; that they always lived in the State of Texas, with the exception of a short visit to the Choctaw Nation in 1898, until the year 1901, when they permanently located in the Choctaw Nation. The record fails to show that prior to 1902 any of the applicants ever acquired property rights in the

-2-

Indian, or performed any act which might possibly be construed as establishing a permanent residence therein.

The notice is hereby denied, and you will so notify Messrs. Riley & Fisher.

Respectfully,

Thos. Ryan,
Acting Secretary

(COPY)

K
Land.
42087-1903.
62663-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON August 20, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of July 18, 1904, (I. T. D. 8266-1904), there is enclosed a copy of a communication from Messrs. Riley & Cotner, attorneys at law, Tishomingo, Indian Territory, dated August 8, 1904, transmitting motion to reopen and readjudicate the application of Elizabeth Roberts et al., for enrollment as citizens by blood of the Choctaw Nation. The record in the case is enclosed.

Very Respectfully,

A.W.Jones.

Commissioner.

SAW-M.

9-2522

Muskogee, Indian Territory, September 14, 1904.

Messrs Riley & Getner,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen :-

On August 8, 1904, you transmitted to the Secretary of the Interior a motion to reopen the matter of the application of Elizabeth Roberts, et al, for enrollment as citizens by blood of the Choctaw Nation. The Commission is now in receipt of a letter from the Secretary of the Interior, under date of September 1, 1904, denying said motion, and the Commission is directed to so notify you.

For your information there is enclosed you herewith copy of Departmental letter of September 1, 1904, accompanied by the report of the Commissioner of Indian Affairs of August 30, 1904.

Respectfully,

Art.71. Chairman.

7- 2683

Muskogee, Indian Territory, September 14, 1904.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :-

The Commission is this day in receipt of a communication from the Secretary of the Interior, under date of September 1, 1904, referring to a letter of Messrs Riley & Cotner, Attorneys at Law, Tishomingo, Indian Territory, under date of August 8, 1904, transmitting a motion to reopen the matter of the application of Elizabeth Roberts, et al, for enrollment as citizens by blood of the Choctaw Nation. The Department, in its letter of September 1, 1904, denies the motion of Messrs Riley & Cotner.

For your information there is enclosed herewith copy of Departmental letter of September 1, 1904, accompanied by the report of the Commissioner of Indian Affairs of August 20, 1904.

Respectfully,

Chairman.

ART. 72.

7-D-283

Muskogee, Indian Territory, July 11, 1906.

Elizabeth Roberts,

Ryo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 5, 1906, stating that you were denied by the Commission to the Five Civilized Tribes and asking when you can get a new hearing in your case.

In reply to your letter you are advised that on February 25, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing the application for the enrollment of yourself and your child Rosie Roberts as citizens by blood of the Choctaw Nation and on July 16, 1903, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

CHUKTA TUKKHA, Oct. 25 1879

To the General Council.

Your committee to whom was referred the petition of Mrs Elizabeth Moran asking that her claim to citizenship in the Choct--aw Nation be established, beg leave to report the following bill;

An act recognizing Mrs Elizabeth Moran and her descendents as citizens of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Assembled.

that Elizabeth Moran nee' Buckholts with nine children, three of whom are are married, viz; Henry and Martha Moran his wife and four children John Elizabeth, Sorah and infant, 2 Sorah and George Izard her husband and seven children Mary Jane, Salina, Silas, Tobitha, Georgeanna, Ular and John, 3 Salina Moran, 4, Marmaduke and his wife Catharine Moran and four children John, Charles, Salina, and George, 5, Reuben Moran 6 Charles Moran 7 John Moran, 8 Caroline Moran, 9 Daniel Moran all hereby admitted permently to all the rights and privêleges of citizen--ship in said Nation

Your Committee

Now ask to be discharged from further consideration of this case.

Respectfully

Chimpson Nowgya

Chairman of committee on Petitions

Approved of this the 3 of Nov. 1879.

I.L.Garvin
Principal Chief
C.N.

This is to certify that the foregoing is a true and correct copy from the original Bill passed & approved at the regular term of the General Counc--il of the Choctaw Nation now on file in my office.

Witness my hand and the great seal of the Choctaw Nation this the 9th day of October A.D.1893.

J.B.Jackson
National Secretary
Choctaw Nation.

National Seal

United States of America)
Indian Territory (ss.
Central District)

I, Jno.H.Linebaugh, a Notary Public in and for the Central District of the Indian Territory do certify that the foregoing is a true, complete and correct copy of a certified bill passed by the Choctaw Council on October , 25th, 1879 and approved on the 3rd day of November 1879, and certified to as a correct copy on the 9th day of October 1893 by J.B.Jackson, National Secretary of the Choctaw Nation.

Witness my hand and seal as such Notary Public this the _th day of August, A.D.1901.

Jno H Linebaugh
Notary Public.

1-AA-65-3

Choctaw D-654

Alice Teague et al

D-654

EFUSED FEB 25 1903

Y OF DECISION FORWARDED
APPLICANT FEB 25 1903

DECISION FORWARDED
ATTORNEY FOR APPLICANT FEB 25 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. FEB 25 1903

RECORD FORWARDED DEPARTMENT.
FEB 25 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 18 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUL 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUL 31 1903

See Dockets D 653

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22,1901.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Alice Teague and her two minor children.

Applicant represented by attorney A. Tolle.

Said Alice Teague being first duly sworn, testified as follows:

- Examination by the Commission -

Q What is your name? A Alice Teague.
Q How old are you? A Twenty-four.
Q Where do you live? A I have been living in Texas.
Q What is your post-office address at this time? A Oconee.
Q Where is that? A I don't know where it is.
Q Where do you live? A We live there at Oconee.
Q Where is Oconee, what Nation is it in? A It is in the Territory
Q You know what Nation? A Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I have been here about one month.
Q How long have you been in the Indian Territory? A One month.
Q Ever live here before that? A No.
Q Where did you come from to the Territory? A Austin.
Q What State? A United States.
Q What state is Austin in? A Hayes County.
Q Where did you live before you came to the Indian Territory? A Travis County.
Q What state is Travis County in? A (No answer)
Q If you don't know you can say so? A I don't know what state.
Q Where were you born? A Born in Travis County.
Q Always lived there? A Yes I lived there all my life.
Q But you don't know what state that is in? A No sir.

"Travis County is in the state of Texas."

Q You lived there in Travis County all the time until you came to the Indian Territory about a month back? A Yes.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Henry Moran.
Q Is your father living? A No sir.
Q What is your mother's name? A Mattie Moran.
Q Is your mother living? A No sir.
Q Which one of your parents is a Choctaw? A My father.
Q Is your mother a white woman? A Yes sir.
Q How much Choctaw blood have you? A I don't know. (Attorney says about 1/16th)
Q Are you married? A Yes sir.
Q What are the names and ages of your children? A James Teague.
Q Is that a boy or girl? A Boy.
Q How old is he? A Eight years old.
Q What is the name of your other child? A Calvin Teague.
Q How old is he? A He is seven months old.
Q You are the mother of both of these children? A Yes sir.

Q And both of them are living with you? A Yes sir.
Q What is the name of the father of these children? A Jesse Teague.
Q He is a white man? A Yes sir.
Q Have you or your children ever been enrolled as citizens of the Choctaw Nation? A No.
Q Have you ever applied to the Choctaw Tribal Authorities to be enrolled? A No sir.
Q In 1896, did you or did any one for you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No sir.
Q You are making application for enrollment of yourself and your two children as citizens by blood of the Choctaw Nation? A Yes sir.
Q On what do you base your rights to enrollment? A (by attorney) She claims her right to enrollment by virtue of an act passed by the Choctaw Council, approved November 3, 1879, entitled "An act recognizing Mrs. Elizabeth Moran and her children as citizens of the Choctaw Nation". I will say in this connection that Henry and Martha Moran and their four children John, Elizabeth, Sarah and an infant not named were admitted by this act. The applicant Alice Teague is the infant referred to in this act of admission.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this application a certified copy of the act of the Choctaw Council, approved November 3, 1879, admitting Mrs. Elizabeth Moran and her children to citizenship in the Choctaw Nation.

Q Have you any brothers or sisters living? A Yes sir.
Q What is the name of your next oldest sister? A Sallie.
Q What is the name of the one older than Sallie? A Lizzie.
Q Have you any other brothers or sisters older than Lizzie? A Yes, Johnnie.
Q Is he the oldest one of the family? A Yes.
Q When were you born? A I don't know.
Q Don't you know the date you were born? A No sir.

Applicant excused.

Daniel E. Moran being duly sworn testified as follows:

Q What is your name? A Moran.
Q Your full name? A Daniel E. Moran.
Q How old are you? A I am forty years old.
Q What is your postoffice address? A Ego.
Q Where is that? A Choctaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How did you become a citizen? A By blood.
Q Were you admitted by an act of the Council of the Choctaw Nation? A Yes sir.

Q Do you know this woman she is now an applicant for enrollment, Alice Teague? A Yes sir.
Q How long have you known her? A Well I have known her a little over thirteen years, that is, it has been a little over thirteen years since I first saw her. I was at her fathers house in the year '85? and saw her and the other children there.
Q What is this woman's father's name? A William Henry Moran.
Q What was her mother's name? A Martha Moran.
Q Are they living? A No sir.
Q You know this woman to be their child? A She was living there with them and called them Pa' and Ma'.
Q How old was she then? A I don't know her age exactly.
Q Well about how big a girl was she then? A She was right grown up a chunk of a girl at that time, some nine or ten years old I believe.
Q Are you any relation to Henry Moran? A He is my brother.
Q You have been living in the Indian Territory for the past twenty-two years? A Yes sir.
Q Where have Henry Moran and his family been living for the past twenty-two years? A In Travis County.
Q What is the name of Henry and Martha Moran's oldest child? A John.
Q And the next one? A Elizabeth.
Q Next one? A Sarah.
Q Next?A Alice.
Q That is the woman applying now? A Yes sir.
Q Are there any other children between Sarah and this child? A No sir.

- Examination by Attorney A. Telle.

Q Do you know why it was that this child was not named in this act admitting them to citizenship when your mother made application? A Why the child might probably have been named at the time. My mother came here in '79 to prove up her right and left the children behind and when she proved up her rights and they were fixing up the citizenship papers the governor himself came to her and told her, "now if you have any other children give in their names and their families and then when they come on they will have no trouble to prove up their rights, all you will have to do is to have them recognized." We had not seen this family for ever two years although the wrote us, we lived in different Counties and when my mother came here to prove up her rights she knew there was one more child of Henry and Martha Moran and did not know the name, and told the governor that she did not know this one child's name and the governor said "just give it in as unnamed, and that is why the name did not appear.
Q Where did these people live that time time and were the mail facilities prompt at that time? A They lived in Travis County Texas and ofcourse the mail here was somewhat unhandy. We lived seven miles from the post-office and did not go to town often.

Witness excused.

[illegible] and [illegible] the above and foregoing is a full true and correct [illegible] of the stockholders meeting held on said date on August [illegible].

G Rosenwinkel

Subscribed and sworn to before me this 2 day of August 1901.

D H Lirebaugh

Notary Public.

9-2084

Muskogee, Indian Territory, February 2, 1903.

John W. Teague,

Olney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, in which you state that your wife, Sarah Teague, daughter of Henry Moran and granddaughter of Elizabeth Moran, whose rights were established in the Choctaw council about 1878, is a delinquent and you wish to be advised how to proceed to have her enrolled.

In reply to your letter you are advised that it does not appear from our records that application has been made for the enrollment of Sarah Teague, wife of John W. Teague, as a citizen by blood of the Choctaw Nation. You are advised, however, that it does appear that Alice Teague, daughter of Henry and Martha Moran, and her two minor children, Jessie and Calvin Teague, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation. It appears from our records that the husband of Alice Teague is Jasper Teague, a non-citizen.

Kindly advise the Commission whether the Alice Teague referred to above is your wife, Sarah Teague, concerning whom you make enquiry.

Respectfully,

Acting Chairman.

Choctaw D654
Choctaw 3692

Muskogee, Indian Territory, February 12, 1903.

John W. Teague,

Olney, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 7, in which you say that your wife, Sarah Teague, is a sister of Alice Teague, and was admitted to citizenship by the act of the Choctaw Council of 1879 in which Elizabeth Moran was admitted to citizenship in said nation, but that she has never made application to this Commission for enrollment as a citizen of the Choctaw Nation. You further ask if Elizabeth Moran is on a doubtful card.

In reply to your letter you are advised that under the provisions of the act of Congress of July 1, 1902, the rolls of citizenship of the Choctaw Nation closed as of September 25, 1902, the date of the final ratification by the Choctaw and Chickasaw Nations of said act of Congress above referred to, and on December 24, 1902, the ninety days expired within which the Commission could receive and consider applications for enrollment in the Choctaw Nation, and since that date the Commission is without authority to receive or consider any original applications for enrollment in said nation.

As you were advised in a previous letter, it does not ap-

J W B

you from our records that any application has been made to this Commission for the enrollment of Sarah Tongue as a citizen by blood of the Choctaw Nation, and under the provisions of law above referred to, the Commission is now without authority to receive or entertain any such application. For your information there is inclosed you herewith a copy of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, and your attention is especially invited to section thirty four thereof.

You are informed that it appears from our records that Elizabeth Moran, eighty two years of age, daughter of Betsey Pheholta, has been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and on February 4, 1905, her enrollment was approved by the Secretary of the Interior.

Respectfully,

Acting Chairman.

Choctaw-Chickasaw agreement.

(COPY N CP
FRE

DEPARTMENT OF THE INTERIOR

D.C. 32785-1903. WASHINGTON September 1, 1904.
I.T.D. 6770-1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

The Department is in receipt of a communication from Messrs. Riley & Cotner, Tishomingo, Indian Territory, dated August 8, 1904, with which they transmitted a motion to reopen the matter of the application of Elizabeth Roberts et al, for enrollment as citizens by blood of the Choctaw Nation. Your decision rejecting the applicants in said case was approved by the Department July 18, 1903.

The petition alleges that the Department erred in holding, among other things, that the applicants were not residents in good fatih in the Indian Territory, on June 28, 1898.

The record in said case shows that the applicants were not residents in the Choctaw Nation in 1898; that they always lived in the State of Texas, with the exception of a short visit to the Choctaw Nation in 1896, until the year 1901, when they permanently located in the Choctaw Nation. The record fails to show that prior to 1901 any of the applicants ever acquired property rights in the

Nation, or performed any act which might possibly be construed as establishing a permanent residence therein.

The motion is hereby denied, and you will so notify Messrs. Riley & Cotner.

Respectfully,

Thos. Ryan,
Acting Secretary

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45087-1903.
54521-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON August 20, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of July 18, 1904, (I. T. D. 5208-1904), there is enclosed a copy of a communication from Messrs. Riley & Cotner, attorneys at law, Tishomingo, Indian Territory, dated August 8, 1904, transmitting motion to reopen and readjudicate the applications of Elizabeth Roberts et al., for enrollment as citizens by blood of the Choctaw Nation. The record in the case is enclosed.

Very Respectfully,

A.W.Jones.

Commissioner.

SAW-E.

CHUSTA TUMEHA, Oct. 25 1879

To the General Council.

Your committe to whom was referred the petition of Mrs Elizabeth Moran as King that her claim to citizenship in the Choctaw Nation be established, beg leave to report the following bill:

An act recognizing Mrs Elizabeth Moran and her descendants as citizens of the Choctaw Natioh.

Be it enacted by the General Council of the Choctaw Assembled.

that Elizabeth Moran nee' Buckholts with nine children, three of whom are married, viz: Henry and Martha Moran his wife and four children John Elizabeth, Sarah and infant, 2 Sarah and George Isard her husband and seven children Mary Jane, Salina, Silas, Tobitha, Georgeanna, Ular and John, 3 Salina Moran, 4, Marmaduke and his wife Catharine Moran and four children Jo hn, Charles, Salina, and George, 5, Reuben Moran 6 Charles Moran 7 John Moran, 9 Daniel Moran all hereby admitted permently to all the rights and privileges of citizenship in said Nation

Your Committe

Now ask to be discharged from further consideration of this case.

Res pectfully

Chimpson Nowaya

Chairman of Committe on Petitions

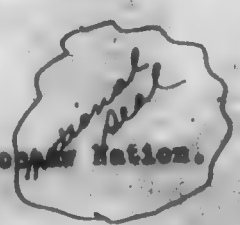
Approved of this the 5 of Nov. 1879.

I.L.Garvin
Principal Chief
C.N.

This is to certify that the for going is a true and correct copy from the original Bill passed & approved at the regular term of the General Council of the Choctaw Nation now on file in my office.

Winess my hand and the gr eat seal of the Choctaw Nation this the 9th day of October A.D.1893.

J.B.Jackson
National Secretary Choctaw Nation.



21

United States of America
Indian Territory } ss.
Central District

I, D.W.Linebaugh, a Notary Public in and for the Central District of the Indian Territory do certify that the foregoing is a true,complete and correct copy of a certified bill passed by the Choctaw Council on October, 25th, 1878 and approved on the 3rd day of November 1878, and certified to as a correct copy on the 9th day of October 1898 by J.B.Jackson, National Secretary of the Choctaw Nation.

Witness my hand and seal as such Notary Public this the 22nd day of August, A.D.1901.

D W Linebaugh.
Notary Public.

LGD
GDR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Roberts, et al., for enrollment as citizens by blood of the Choctaw Nation, consolidating the applications of:

Elizabeth Roberts, et al.,	Choctaw D-653
Alice Teague et al.,	Choctaw D-654
Charles D. Moran, et al.,	Choctaw D-655
Joseph Moran, et al.	Choctaw D-652

D E C I S I O N

It appears from the record in this case that at Atoka, Indian Territory, August 22, 1901, personal applications were made to the Commission by Elizabeth Roberts for the enrollment of herself and her minor child, Rosie Roberts; by Alice Teague for the enrollment of herself and her two minor children, Jesse and Calvin Teague; by Charles D. Moran for the enrollment of himself and his minor child, Emmet Moran; and by Joseph Moran for the enrollment of himself and his brother, Joab Moran, as citizens by blood of the Choctaw Nation; and that on November 22, 1902, written application was made to the Commission for the enrollment as a citizen by blood of the Choctaw Nation of Pias Delbert Moran, infant son of Charles D. Moran, satisfactory proof of the birth of said child on September 5, 1902, being filed with the Commission at that time.

It further appears from the record in this case that applicant, Emmet Moran, died October 4, 1901, proof of his death being filed with the Commission November 22, 1902. His application for enrollment as a citizen by blood of the Choctaw Nation will not be considered further.

The record in this case further shows that Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry Moran and Martha Moran, who, with their four children, John, Elizabeth, Sarah and an infant (name not given), were admitted to Choctaw citizenship by an Act of the General Council, approved November 3, 1879, entitled "An Act recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation," a certified copy of said act being attached hereto and made a part of the record in this case. From the record it is further shown that Elizabeth Roberts was the only one of the applicants herein whose name was included in said act, although the applicants, Alice Teague and Charles D. Moran, were living at that time. The applicants Joseph Moran and Joab Moran were born after the admission of their parents.

It further appears from a careful examination of the tribal rolls in the possession of the Commission that none of the applicants herein has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities of said Nation.

The record in this case further shows that some of the applicants herein had a residence in good faith of Indian Territory on June 28, 1898; that all of them [illegible] resided in the State of Texas at that time [illegible] who thereafter years next prior thereto and [illegible] to and settled in Indian Territory until April, [illegible]

It is therefore the opinion of this Commission that the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Tengue, Jesse Tengue, Calvin Tengue, Charles D. Moran, Pink Dalbert Moran, Joseph Moran and Josh Moran as citizens by blood of the Choctaw Nation should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
Feb. 25, 1903.

Charles D. Thorn et al

55

SED. FEB 25 1903

OF DECISION FORWARDED
APPLICANT FEB 25 1903

DECISION FORWARDED
NEY FOR APPLICANT FEB 25 1903

Y OF DECISION FORWARDED
RNEYS FOR CHOCTAW AND
CHASAW NATIONS. FEB 25 1903

CORD FORWARDED DEPARTMENT.
FEB 25 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 18 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUL 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUL 31 1903

Dec Choctaw D 653

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 22, 1901.

In the matter of the application of Charles W. Moran for the enrollment of himself and his minor child as citizens by blood of the Choctaw Nation.

Applicant represented by A. Tolle his attorney.

Said Charles W. Moran being first duly sworn testified as follows:

-Examination by the Commission -

Q What is your name? A Charles W. Moran.
Q How old are you? A I am twenty-two years old.
Q What is your postoffice address? A Oconee.
Q Where is that? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A About four months.
Q Where did you live before that? A I lived in Texas.
Q The only residence you have had in the Indian Territory has been during the past four months? A Yes sir.
Q You lived in Texas all the time prior to that? A No I was here five or six years ago.
Q What was you doing here then? Well I didn't do nothing, I just came here and then went back.
Q How long did you stay here? A Nine months.
Q Where were you? A Nine County, Choctaw Nation.
Q What is your father's name? A Henry Moran.
Q Is he living? A No he is not.
Q What is your mother's name? A Martha Moran.
Q Is she living? A No sir she is not.
Q Through which one of your parents do you derive your Choctaw blood?A Through my father.
Q How much Choctaw blood have you? A About 1/16th.
Q Are you married? A Yes sir I am.
Q Your wife a white woman? A Yes sir.
Q You make any application for her? A No.
Q Have you any children? A Yes sir, I have one.
Q What is the child's name? A Emmett.
Q How do you spell it? A Well my friends I have no education and I can't spell it.
Q How old is it? A Thirteen months old.
Q What is the name of the child's mother? A Annie Moran.
Q She is a white woman? A Yes sir.
Q Where did you marry her? A Austin, Texas.
Q When? The fourteenth of February 1899.
Q Did you get a marriage license? A Yes sir.
Q Married by a minister? A Yes sir.
Q Have you your marriage license and certificate? A Yes, I have it right here.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this application marriage license of Charles Moran and Annie Teague of the 14th of February 1899.

Q This child Emmett Moran, is it the child of your wife Annie Moran? A Yes sir he is.
Q Have you ever been enrolled by the Tribal authorities of the Choctaw Nation as a citizens of that Tribe? A No sir never have.
Q Have you ever made application to the Choctaw Tribal authorities to be enrolled? A No sir.
Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
Q You are making this application for enrollment of yourself and your minor child as citizens of the Choctaw Nation? A Yes sir.
Q Under what authority of law or special act of admission do you claim such right to enrollment? A (by attorney) That his father and mother, Henry and Martha Moran were admitted to Choctaw citizenship by an act of the Choctaw Council approved November 4, 1879 and in making application the applicants grandmother attempted to name all of her grand children, and although he was born at the time she failed to have his name inserted in the application. The applicant can make proof that he is the child he represents himself to be.

The applicant in this case, from his testimony and the statement of his attorney is the child of Henry and Martha Moran, who were admitted by an act of the Choctaw Council, approved November 4, 1879, entitled "An act recognizing Elizabeth Moran and her descendants as citizens of the Choctaw Nation." Copy of said act is filed herewith marked exhibit "B" and made a part of the record in this application.
Q When was you born? A I was born in '79
Q What was your birth day? A July 9th.
Q Where was you born? A In Texas, Travis County.

Applicant excused.

Daniel S. Moran being first duly sworn testified as follows:

Q What is your name? A Daniel S. Moran.
Q How old are you? A Forty.
Q Where do you live? A At Ego.
Q In the Choctaw Nation? A Yes.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q How long have you lived in the Indian Territory? A Twenty-two years.
Q Do you know this applicant Charles W. Moran? A Yes sir.
Q Are you any relation to him? A He is my brother's child.
Q What is your brother's name? A Henry Moran.
Q What is your brother's wife's name? A Martha Moran.
Q Did this boy have any brother's and sisters older than he is?
A One brother and three sisters.
Q What are their names? A His brother is John, his sister Lizzie, the next one Sarah and the next Alice.

Q Do you know when this boy was born? A Nothing more than what he says.
Q How long have you known him? A Since '87.
Q How old a boy was he then? A Why he was some six or seven years old. I can't say just how old I never asked.

Examination by attorney Tolle.

Q You stated you went down to visit your brother's family? A Yes sir.
Q And this boy was a recognized member of the family? A Yes sir.
Q And was there with them when he was a small boy? A He was there with them.
Q How when was the first time the applicant came to the Choctaw Nation? I think it was in '96.
Q How long did he stay here? A He staid her about nine months.
Q And went back to Texas? A Yes sir.
Q And when did he come back? A This year 1901.
Q About what month, do you remember? A No I don't.
Q Early in the spring or later? A Early in the spring, about April.

"The applicant basis his claim to citizenship and to be enrolled as a citizen on the fact that his father and mother and the rest of his family then living were admitted to citizenship by the Choctaw Council and that by oversight, although he was then living his name was not embodied in the application for citizenship. They were admitted by an act of the Choctaw Council approved November 3, 1879.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 22nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G Rosenwinkel.

Subscribed and sworn to before me this 24 day of August 1901.

D W Linebaugh
Notary Public.

LGD
GDR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Roberts, et al., for enrollment as citizens by blood of the Choctaw Nation, consolidating the applications of:

Elizabeth Roberts, et al.,	Choctaw D-653
Alice Teague et al.,	Choctaw D-654
Charles D. Moran, et al.,	Choctaw D-655
Joseph Moran, et al.	Choctaw D-652

D E C I S I O N

It appears from the record in this case that at Atoka, Indian Territory, August 22, 1901, personal applications were made to the Commission by Elizabeth Roberts for the enrollment of herself and her minor child, Rosie Roberts; by Alice Teague for the enrollment of herself and her two minor children, Jesse and Calvin Teague; by Charles D. Moran for the enrollment of himself and his minor child, Emmet Moran; and by Joseph Moran for the enrollment of himself and his brother, Joab Moran, as citizens by blood of the Choctaw Nation; and that on November 22, 1902, written application was made to the Commission for the enrollment as a citizen by blood of the Choctaw Nation of Pias Delbert Moran, infant son of Charles D. Moran, satisfactory proof of the birth of said child on September 5, 1902, being filed with the Commission at that time.

It further appears from the record in this case that applicant, Emmet Moran, died October 4, 1901, proof of this death being filed with the Commission November 22, 1902. His application for enrollment as a citizen by blood of the Choctaw Nation will not be considered further.

The record in this case further shows that Elizabeth Roberts, Alice Teague, Charles D. Moran, Joseph Moran and Joab Moran are the children of Henry Moran and Martha Moran, who, with their four children, John, Elizabeth, Sarah and an infant (name not given), were admitted to Choctaw citizenship by an Act of the General Council, approved November 3, 1879, entitled "An Act recognizing Mrs. Elizabeth Moran and her descendants as citizens of the Choctaw Nation," a certified copy of said act being attached hereto and made a part of the record in this case. From the record it is further shown that Elizabeth Roberts was the only one of the applicants herein whose name was included in said act, although the applicants, Alice Teague and Charles D. Moran, were living at that time. The applicants Joseph Moran and Joab Moran were born after the admission of their parents.

It further appears from a careful examination of the tribal rolls in the possession of the Commission that none of the applicants herein has ever been enrolled as a citizen of the Choctaw Nation by the tribal authorities of said Nation.

The record in this case further shows that none of the applicants herein was a resident in good faith of Indian Territory on June 28, 1898; that all of them who were then living resided in the State of Texas at that time and had so resided for the three years next prior thereto, and that none of them removed to and settled in Indian Territory until April, 1901.

It is therefore the opinion of this Commission that the applications for the enrollment of Elizabeth Roberts, Rosie Roberts, Alice Teague, Jesse Teague, Calvin Teague, Charles D. Moran, Pias Delbert Moran, Joseph Moran and Joab Moran as citizens by blood of the Choctaw Nation should be denied under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
Feb. 25, 1905.

CHUBTA TUSUFA,
Oct. 25 1879

To the General Council.

Your committe to whom was referred the petition of Mrs Elizabeth Moran as king that her claim to citizenship in the Choctaw Nation be established, beg leave to report the following bill;

An act recognising Mrs Elizabeth Moran and her decehdants as citizens of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Assembled.

that Elizabeth Moran nee Buckholts with nine children, three of whom are married, viz; Henry and Martha Moran his wife and four children John Elizabeth, Sorah and infant, 2 Sorah and George Izard her husband and seven children Mary Jane, Salina, Silas, Tobitha, Georgeanna, Ular and John, 3 Salina Moran, 4, Marmaduke and his wife Catharine Moran and four children Jo hn, Charles, Salina, and George, 5, Reuben Moran 6 Charles Moran 7 John Moran, 9 Daniel Moran all hereby admitted permently to all the rights and privileges of citizenship in said Nation

Your Committe

Now ask to be discharged from further consideration of this case.

Res pectfully

Chimpson Nowaya

Chairman of Committe on Petitions

Approved of this the 3 of Nov. 1879.

I.L.Garvin
Principal Chief
C.N.

This is to certify that the for going is a true and correct copy from the original Bill passed & approved at the regular ter m of the General Council of the Choctaw Nation now on file in my office.

Witness my hand and the gr eat seal of the Choctaw Nation this the 9th day of October A.D.1893.

J.B.Jackson
National Secretary
Choctaw Nation.

National Seal

United States of Amer ica)
Indian Territory } SS.
Central District)

I, Jno.H.Linebaugh, a Notary Public in and for the Central District of the Indian Territory do certify that the foregoing is a true, complete and correct copy of a certified bill passed by the Choctaw Coun cil on October, 25th, 1879 and approved on the 3rd day of November 1879, and certified to as a correct copy on the 9th day of October 1893 by J.B.Jackson, National Secretary of the Choctaw Na tion.

Witness my hand and seal as suvah Notary Public this the 22nd day of August, A.D.1901.

D.H.Linebaugh
Notary Public.

T-B-858.

Muskogee, Indian Territory, September 30, 1902.

Charles Douglas Moran,

Oconee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Pleasant Moran, infant son of Charles Douglas and Annie Moran, born September 8, 1902; and the same being in proper form has been accepted and filed with the records of the Commission as evidence of the birth of the above named child.

Respectfully,

Acting Chairman.

CHOCTAW D

Mollie Baker, et al.

Record transferred to

CHOCTAW #5867

D. 657

June H. Bond

Record transferred to
Choctaw card #4577

Collection D-[illegible]

John H. Goins et al

2

John H. Gorus et al

No. 2-3-4
5-6-7-8 + 9 } DISMISSED

SEP 15 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of:

Leroy Goins, et al., 7-D-658.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., AUGUST 1, 1901.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of John Henry Goins and his minor children, Leroy, Albert, Georgia, Paul, Minneola, Henry and Jewel Goins. John Henry Goins, being first duly sworn, testified as follows:

Examination by the Commission:

Q. What is your full name? A. My full name is John Henry Goins.
Q. What is your age? A. Thirty-nine.
Q. What is your post office address? A. Marlow, I. T.
Q. Is that in the Chickasaw Nation? A. Yes sir.
Q. How long have you resided in the Chickasaw Nation? A. Ever since March, 1900.
Q. Have you ever been recognized or enrolled as a citizen of the Choctaw Nation? A. I have never been enrolled. I have been recognized in this judgment as a citizen of the Choctaw Nation.
Q. Did you ever make application for enrollment as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes?
A. I sent in a written application here but it came back. I got several letters this spring and summer that I had to appear in person.
Q. This is the first time that you ever presented yourself in person? A. Yes sir. I was so far away and had a big family and no means to go on, that I could not come before you until now.
Q. You now make application for enrollment as a citizen by blood of the Choctaw Nation? A. Yes sir.
Q. Do you make application for anyone besides yourself? A. Just me and my children, that is all.
Q. What is the name of your oldest child? A. Leroy Goins.
Q. How old is he? A. Fourteen.
Q. What is the name of your second child? A. Albert Goins.
Q. How old is he? A. Twelve.
Q. What is the name of your third child? A. Georgia Goins.
Q. How old is she? A. She's ten.
Q. What is the name of your next child? A. Paul Goins.
Q. What is his age? A. He is eight.
Q. What is the name of your next child? A. Minneola Goins.
Q. What is her age? A. Six
Q. What is the name of your next child? A. Henry Goins.
Q. What is his age? A. Four.
Q. What is the name of your next child? A. Jewel Goins.
Q. Is Jewel a girl? A. Yes sir.
Q. When was she born? A. The twenty-eighth of June, 1900.
Q. How do you claim the right to make application for citizenship in the Choctaw Nation? A. Because my grand-father was a full blooded Choctaw.
Q. Did you ever make application to the Choctaw tribal authorities?
A. No sir.
Q. Were you admitted to citizenship by the United States Court for the Southern District of the Indian Territory? A. Yes sir.

Q. When was that? A. It was in '97 this was affirmed.
Q. Then you claim the right to citizenship in the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 21, 1897? A. Yes sir.

Upon examination of the certified copies of judgments rendered by the United States Court for the Southern District of the Indian Territory, it is found that John Goins was admitted to citizenship by said Court in Court Case No. 127, on December 21, 1897.

Q. What is your father's name? A. Henry Goins.
Q. Is he living? A. No sir.
Q. What is your mother's name? A. Sarah.
Q. Is she living or dead? A. Yes sir, she's living.
Q. Were either of your parents Choctaw Indians? A. My father was.
Q. Is your mother a white woman? A. Yes sir.
Q. Are you married? A. Yes sir.
Q. What is the name of your wife? A. Francis Goins.
Q. Is she living? A. Yes sir.
Q. When were you married to her? A. I married her in '86.
Q. Have you a copy of your marriage license? A. Yes sir.
Q. Do you desire to file it? A. Yes sir.

There is offered in evidence, to be filed with and made a part of the records, a certified copy of the marriage license and certificate between John Goins and Francis Shaw. The license being dated September 2, 1886, and the certificate of marriage dated September 3, 1886, filed in the office of the County Clerk of Wilbarger County, Texas, September 3, 1886.

Q. Were all of these children of yours named in this application, living at the time you were admitted to citizenship by the United States Court? A. Why, there was six of them living.
Q. Henry and Jewel have been born since that date, have they?
A. Henry was born in '97.
Q. Then all of your children, except Jewel, were born prior to the date of the judgment of the United States Court admitting you to citizenship? A. Yes sir.

Examination by J. T. Faulds, Attorney for applicant:

Q. You are the identical John Goins mentioned in the judgment between Robert Goins et al. vs. the Choctaw Nation, No. 127, rendered by the United States Court for the Southern District of the Indian Territory, on December 21, 1897, under which you claim citizenship? A. Yes sir.
Q. You say your full name is John Henry Goins? A. John Henry Goins.
Q. In this judgment you are described as John Goins? A. Yes sir.
Q. And you are the identical person mentioned in that judgment?
A. Yes sir.

Witness excused.

Albert G. [illegible] being duly sworn, [illegible] that at [illegible] he reported in full the [illegible] stated on the first day of [illegible] transcript of his stenographic [illegible] foregoing is a full, true [illegible] minutes of said proceedings [illegible]

Albert G. McGullen

Subscribed and affirmed to before me this first day of August, 1903.

[illegible]
Notary Public.

CHOCTAW.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

to

Jewel Gouis

as a citizen of

Choctaw Nation.

Approved SEP 10 1901 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1901

ACTING CHAIRMAN

CHOCTAW. A 658

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Jewel Goins (Here insert name of child), born on the 28th day of June, 1900

Name of Father: John Henry Goins, a citizen of the Choctaw Nation.

Name of Mother: Francis Goins; a citizen of the Choctaw Nation.

Post-office, Marlow 2nd Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Francis Goins, on oath state that I am 30 years of age and a citizen, ~~by~~, of the United State ~~Nation~~; that I am the lawful wife of John Henry Goins, who is a citizen, by blood, of the Choctaw Nation, that a female (male or female) child was born to me on the 28th day of June 1900; that said child has been named Jewel Goins, and is now living.

Francis Goins

WITNESSES TO MARK (Must be Two Witnesses): Geo. T. Putty. W. H. Cather

Subscribed and sworn to before me this 7 day of September 1901.

Geo. T. Putty. NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, T. C. Barnes, a physician, on oath state that I attended on Mrs. Francis Goins, wife of John Henry Goins on the 28th day of June, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Jewel Goins.

T. C. Barnes M. D.

WITNESSES TO MARK: (Must be Two Witnesses) Geo. T. Putty. W. H. Cather

Subscribed and sworn to before me this 9 day of September 1901.

Geo. T. Putty NOTARY PUBLIC

CHOCTAW. INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Harley May Goins

as a citizen of

Choctaw Nation.

Approved OCT 15 1902 190...

T. B. Needles

Commissioner.

COMMISSION TO ...

FILED

OCT 15 1902

ACTING CHAIRMAN

CHOCTAW.

D 658 Fol...

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Starley May Goins (Here insert name of child.), born on the 10 day of June, 1902

Name of Father: John H. Goins a citizen of the Choctaw Nation.

Name of Mother: Frances C Goins a citizen of the Choctaw Nation.

Post-office Marlow, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Southern District.

I, Frances C Goins, on oath state that I am 30 years of age and a citizen, by intermarriage, of the Choctaw Nation; that I am the lawful wife of John H Goins, who is a citizen, by Blood, of the Choctaw Nation; that a Female (male or female.) child was born to me on 10 day of June 1902 that said child has been named Starley May Goins, and is now living.

Frances C Goins

WITNESSED TO MARK:

(Must be Two Witnesses.) { Jas C Kinzey
Geo. F. Butts

Subscribed and sworn to before me this 13 *day of* October 1902

Geo F Butts
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern District,

I, John F. Starley, a Physician on oath state that I attended on Mrs. Frances C Goins, wife of John H Goins on the 10 day of June, 1902 that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Starley May Goins.

John. F. Starley M.D.

WITNESSED TO MARK:

(Must be Two Witnesses.) { Jas C. Kinzey
Geo. F. Butts

Subscribed and sworn to before me this 13 *day of* October 1902

Geo F. Butts
NOTARY PUBLIC

7-D-658.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of Leroy Goins, et al., as citizens by blood of the Choctaw Nation.

----O----

The applicants, Leroy Goins, Albert Goins, Georgia Goins, Paul Goins, Minneola Goins, Henry Goins, Jewel Goins and Starley May Goins, claim their right to enrollmentas citizens by blood of the Choctaw Nation through their father John H. Goins. The right of the applicants' father, John H. Goins, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 31 upon the Tishomingo docket of said court, it is hereby ordered that the application of Leroy Goins, Albert Goins, Georgia Goins, Paul Goins, Minneola Goins, Henry Goins, Jewel Goins and Starley May Goins for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

SEP 15 1904

Choctaw D 688

COPY

Muskogee, Indian Territory, September 16, 1904.

John H. Goins,

Marlow, Indian Territory,

Dear [redacted]:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 16, 1904, dismissing the application for the enrollment of Levey Goins, Albert Goins, Georgia Goins, Paul Goins, Minnesola Goins, Henry Goins, Jewel Goins and Starley May Goins as citizens by blood of the Choctaw Nation.

Respectfully,

[redacted]

Tams Bixby.

Chairman.

Registered.

Incl. T-D-688.

Choctaw D 656

COPY:

Muskogee, Indian Territory, September 18, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 18, 1904, dismissing the application for the enrollment of Leroy Goins, Albert Goins, Georgia Goins, Paul Goins, Minnesola Goins, Henry Goins, [illegible]wel Goins and Starley May Goins as citizens by blood of the Choctaw Nation.

Respectfully,

Tams Bixby.
Chairman.

Incl. 7-D-656.

Marriage Record

State of Texas
Wilbarger County

To any Judge of the County or District Court ordained Minister of the Gospel or Justice of the Peace in and for said County of Wilbarger. Greeting:
You are hereby authorized to solemnize the Rites of Matrimony between Mr John Goins and Miss Francis Shaw, and make due return to the clerk of the County Court of said County within sixty days thereafter certifying your action under this License.
Witness my official signature and seal of office, at office in Vernon this 2nd day of September A.D. 1886.

L. N. Perkins
Clerk of the County Court
Wilbarger County
By V. R. Faust Deputy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED,
AUG 1 1901

ACTING CHAIRMAN.

I - Jno Singleterry hereby certify that on the 2nd day of Sept A D 1886, I united in marriage - John Goins and Francis Shaw, the parties above named

Witness my hand this 3rd day of Sept A D 1886

Jno Singleterry
Minister gospel

Filed for record this 3rd day of Sept A D 1886

L R Perkins
County Clerk
By V R Faust Deputy

Certificate of True Copy.

Ponder Bros. Stationers and Printers, Vernon.

THE STATE OF TEXAS
COUNTY OF WILBARGER.

I, M Bianscard Clerk of the County Court of Wilbarger County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the original Marriage License issued to John Goins & Miss Francis Shaw as the same appears of record in Vol. 1 p. 33 of the Marriage Records of my office.

Given under my hand and seal of said Court, at office in the Town of Vernon, this the 15 day of June A D. 1901

M Bianscard
Clerk County Court Wilbarger County, Texas.

By ..... Deputy.

31-0 X

In the matter of--

Robert Goins, et al.,
Plaintiffs,

versus

The Choctaw Nation,
Defendants.

Petition for Writ of Error.

CITIZENSHIP COURT,
FILED
MAR 7 1903
JAS. B. CASSADA, Clerk,
By..... D. C.

Herbert Walker Lamon
Attorney

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory, _____ Term, _____

Petition of parties plaintiffs, in an action in the United States Court for the Southern District of the Indian Territory, at Ardmore, styled, Robert Goins, et al, Plaintiffs, versus The Choctaw Nation, Defendant, for an order and Writ of Error from this court to said court for the said Southern District of the Indian Territory directing and commanding the transfer and certification of the files, papers, proceedings, records, and all matters and things pertaining thereto, in said action in said court to this court:

Robert Goins et al., Plaintiffs, versus The Choctaw and Chickasaw Nation, Defendant.	oooooOoooooo	Number 31-5

Comes now the plaintiffs and petitioners herein, Robert Goins and his wife, Elizabeth Goins, and Seaborn, Calvin, Caroline, John, Elizabe Minerva, Wm. Henry, Samantha Goins, the children of Henry Goins, now deceased; James Goins and his children James, Jr., Randolph and Lizzie Goins; Rayborn Goins and children, Thomas L., Wm., Collin, Eli, Rayborn, Campbell, Martha Margeret,(now deceased), Missouri E., Nanda May and Dinkie Goins; Reubin Goins and children, Mary and Cordelia Goins; Jeremiah Goins, Jr., and children, Monroe, William, Frank and Leonard Goins, and Jesse Goins inadvertently omitted in original application; Mrs. Eveline Paddieo and children, Reubin, Tasso, John, [illegible], Martha, James and Amanda Paddieo; and the children of Caroline Morris, whose maiden name was Caroline Goins, namely: Jerry M., G.W., Spencer W.,Jr., Sarah or Sallie and Kansas Morris.

And Mrs.Emily Perrice and G.W.Nevels, her son by herfirst husband, Wm. N. Nevels, and her children by her second husband, Antonio Perrice Viz: Ike or Ignatie, Josephina, and G?W.Nevels, Jr., ten years old(never enrolled), and Mary, Annie, Alzena and Caroline Perrice;

Mrs. Mary Southward, and her husband W.C.Southward, and their children: William M., Elizabeth, John F., James Marion, Jessie Myrtle, and Maggie May Southward, together with Susan, daughter of William M.Southward, and William Dolphus, son of Elizabeth Ramsey, (nee) Elizabeth Southward, (born since the judgment but duly enrolled by Commission to Five Civilized Tribes); and the children of Sallie Goins, who married J.M.Gardner, namely: James Milton, Margaret Lugene, Mauda Eldora, and Cora Lee Gardner, and J.M.Gardner, their father; and the children of J.M.Morris, a son of Caroline Morris, namely: Ebenezer S., Gertrude E., Joel W., Jessie Coleman and Augusta B. Morris;

And the children of G.W.Morris, a son of Caroline Morris, namely: Wilmeth, Nora Lee, Mollie, Cora May, and Kansas Viola Morris, together with William Welcome, Lula Mamie (born since judgment but enrolled by Commission); and the children of Sallie Morris, a daughter of Caroline Morris who married Frank C.Jones, namely: James, Jessie, and Gypsie Jones, and the said Frank C.Jones, their father, together with Bessie May Belle, who was omitted in original application, age six years, and Flora and Buell Bradford, born since Judgment rendered, but enrolled by Commission; and the children of Josephine Marjares, a daughter of Emily Perrice, who married _____ Perrice, namely: ~~Ike~~ Ignatia, Susie, and Reamjio Marjares; and Rudie Lee Marjares, born since normal app. but enrolled by Dawes Commission, and the children of Ike, or Ignatia, Perrice, a son of Emily Perrice, namel Joe and Ignatia, Jr., Perrice; together with Conception, Ella and Stella Perrice, born since judgment of U.S.Court and enrolled by Commission; and the children of Mary Dias, who married _____ Dias, and who is the daughte of Emily Perrice, Eugene and Albert Dias; and the children of Annie Androda a daughter of Emily Perrice, namely; Clara and Christoval Androda; And the grandchildren of Jeremiah Goins, Viz: Mrs. Josephine Priest and her children by her former husband, namely: Adella, Pearline, Anzo, William Martin, Josephine and Clara Taylor,

And respectfully st ate to this Honorable Court, that proceeding under an act of Congress, of June 10th, 1896, they filed a joint written application, and on, to-wit: the _____ day of _____, with the

Commission to the Five Civilized Tribes, wherein they show that they, and each of them, are entitled to citizenship as members of the tribe of Choctaw Indians, and entitled to have their names enrolled upon the rolls of citizenship, prepared by said Commission to the Five Civilized Tribes, of Indians, and as ground for said application show:

That the said Jeremiah Goins, from whom all these petitioners, are the lineal descendants, now deceased, was a one half blooded Choctaw Indian; and that the father of the said Jeremiah Goins was a full blooded Choctaw Indian.

That the aplication of your petitioners was by the Commission to the Five Civilized Tribes rejected, and none of them enrolled on the rolls prepared by said Commission. That all of said persons herein set out have continuously resided in the Indian Territory, and do yet so reside.

And your petitioners, after being rejected as aforesaid, by said Commission to the Five Civilized Tribes, in due timeperfected their appeal to the United States Court for the Southern District of the Indian Territory, which said court in its judgment of _____ day of _____, admitted all of said applicants as members of the Choctaw tribes of Indians except as hereinbefore explained.

That thereafter, on or about the 11th day of December, 1902, this Honorable Court proceeding under the provision of the Supplemental Treaty, made with the Choctaw and Chickasaw Nations, in an action styled "The Choctaw and Chickasaw Nation, Plaintiffs, vs. J.T.Riddle, et.al. Defendant", annulled and vacated the judgment obtained by your petitiiners in said court in said Southern District obtained, and held the same for nought.

Wherefore, the premises considered, your petitioners respectfully pray that they have an order and writ of error from this court, directing a commanding the United States Court for the Southern District of the Indian Territory, to transfer and certify the papers filed, proceedings, records, and all matters and things pertaining thereto as a part thereof in said case, in said court, to this court, and for all other relie to which they may be entitled in equity and good conscience.

Herbert Walker & Hamner
Attorneys for Petitioners.

Tasso Paddies, one of the parties petitioners in the above and foregoing petition, upon his oath states that he is familiar with the matters and things therein set out, and to his own personal knowledge the same is in all things correct and true.

Tasso Paddies

Subscribed and sworn to before me this the 3d day of March 1903.

Z. R. Box
Notary Public.

W. C. Southward, one of the parties petitioners in the above and foregoing petition, upon his oath states that he is familiar with the matters and things therein set out, and to his own personal knowledge the same is in all things correct and true.

W. C. Southward

Subscribed and sworn to before me this the 3d day of March 1903,

Z. R. Box
Notary Public.

(Copy)

UNITED STATES OF AMERICA

INDIAN TERRITORY

SOUTHERN DISTRICT.

Before me the undersigned authority, a duly commissioned and acting Notary Public, within and for the above named distrct and territory, on this day personally appeared before me, Z. R. Rox, known to me to be a creditable person and to be of lawful age who upon his oath says, that on this day he has received from the hands of Herbert, Walker & Cannon, lawyers, originals and copies thereof of petitions for Writs of error in the following cases:

Robert Goins et al, plaintiffs, v. Choctaw and Chickasaw Nations
T. D. Arnold et al, plaintiffs v. Choctaw and Chickasaw Nations.
Thomas H. Graham et al, plaintiffs, v. Choctaw and Chickasaw Nations
Lee Weigle et al v. Choctaw and Chickasaw Nations.

That said Writs of Error, in substance, pray for an order commanding the United States Court for the Southern District of the Indian Territory to certify all papers, files, and records in said cases in said Court for the South District to the Indian Citizenship Court for the Southern Indian Territory sitting at South McAlester; that he took said copies and compared same in each case with original and found each to be a true and literal copy of its original, and that, thereupon, at the request of the said Herbert, Walker & Cannon, he mailed said copies by register mail to "Messrs Mansfiled, McMurray & Cornish, Attorneys for Choctaw and Chickasaw Nations, South McAlester, Indian Territory", and that the register receipt attached to this affidavit is the same obtained from the Post Master at Ardmore, for the package containing said copies aforesaid.

(Signed) Z. R. Rox

Subscribed and sworn to before me this the 4th day of March 1903.

(Signed) Stanley R. Bond,
Notary Public So. Dist.
Indian Territory

SEAL.

Muskogee, Indian Territory, September 10, 1906.

John Henry Johns,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of affidavit of the birth of Jewel Johns, the infant daughter of John Henry and Francis Johns, born June 20th, 1906, and the same has been duly filed with the records of this office.

Yours truly,

Commissioner in Charge.

7-D-338

Tahlequah

Muskogee, Indian Territory, August 4, 1898.

Geo. T. Tuttle,

Attorney at Law,

Durant, Indian Territory

Dear Sir:

Tonight is hereby acknowledged of your letter of July 30th, in which you request to be furnished with a blank application for the enrollment of an infant child. In accordance with your request there is enclosed you herewith a blank of such description.

In reply to your communication relative to how John E. Cobb obtained his admission to citizenship in the Choctaw Nation, you are advised that it appears from our records that under the act of Congress of June 10, 1896, in the case of Robert Cobb et al., vs. the Choctaw Nation, John Cobb submitted his application to be admitted as a citizen by blood of the Choctaw Nation.

On December 1st, 1896, the Commission to the Five Civilized Tribes rendered a decision denying all of the parties applicants in the citizenship case of Robert Cobb et al., vs. the Choctaw Nation, and from such decision an appeal was taken to the United States Court for the Southern district of the Indian Territory, and that Court, on December 21, 1897, rendered a judgment reversing the decision of this Commission and admitting to citizenship in the

Choctaw Nation all of the persons included in the original application to the Commission to the Five Civilized Tribes.

On August 2, 1902, John H. Goins, thirty-nine years of age, of Marlow, Indian Territory, made personal application to this Commission for the enrollment of himself and his six minor children as citizens by blood of the Choctaw Nation, claiming such right to enrollment by virtue of a judgment of the United States Court for the Southern District of Indian Territory, there referred to. It appears that five of said children, namely: Lenny, Eva, Georgia, Paul and Minnesota Goins were born prior to the submission of the original application to the Commission to the Five Civilized Tribes in the case of Robert Goins et al., vs. the Choctaw Nation, and were not included as parties applicants therein; two children of the said John H. Goins, namely: Henry and Jewel Goins, having been born subsequent to the date of the filing of the original application in the case of Robert Goins et al., vs. the Choctaw Nation, have been, by the Commission, listed for enrollment as citizens of the Choctaw Nation.

The Commission has, however, to advise that it will be necessary in the determination of the right of these children to be enrolled as citizens of the Choctaw Nation, that there be fur-

[illegible]

[illegible] original or a verbatim copy of the manuscript [illegible] and [illegible] of John [illegible] and [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

658

Choctaw D 468

Muskogee, Indian Territory, September 13, 1902.

George T. Putty,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that some time since you requested from this office a blank for the purpose of the enrollment of an infant child and in reply you received a communication stating that the same had been forwarded you but that such blank was not enclosed with the letter received by you and you request that another such blank now be furnished.

In accordance with your request there are enclosed you herewith two blank applications for the enrollment of infant children.

Relative to the evidence of marriage of John H. Goins and his wife referred to in your letter, you are advised that a clerical error was made in the statement contained in our letter of August 4th, and that there is now on file with the records of the Commission a certified copy of the marriage license and certificate of September 3, 1886 between John Goins and Frances Shaw.

Yours truly,

7-B-658.

Muskogee, Indian Territory, October 18, 1902.

John H. Goins,
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Starley May Goins, infant daughter of John H. and Frances C. Goins, born June 10, 1902, and the same being in proper form has been duly filed with the records of the Commission as evidence of the birth of the above named child.

Respectfully,

Acting Chairman.

7-G-658
7- 3681

Muskogee, Indian Territory, February 3, 1905.

George D. Patty,

Attorney at Law,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1905, in which you state that you have been requested by John H. and Joseph G. Goins to inquire if the case of Robert Goins was affected by the new Citizenship Court at South McAlester.

It appears from our records that John H. Goins and his minor children, and Joseph G. Goins and his children, were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of Indian Territory, rendered at Ardmore on December 21, 1897, in citizenship case No. 127, and on December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Court in Indian Territory admitting persons to citizenship in the Choctaw and Chickasaw Nations.

It may be added, however, that lands upon which so-called Court citizens have improvements, not in excess of legal allot-

Geo D Patty——2

meets, will not be allotted to any citizen until the rights of said Court claimants are finally determined.

Respectfully,

Acting Chairman.

Poker J. McClure

Record transferred to
Choctaw card #1282

CHOCTAW D 68

Henry J. Salter

Record transferred to Choctaw card #1420.

CHOCTOW D-661

John A. Cunningham

Wm A Cunningham

DECISION RENDERED

RECORDED

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. DEC 29 1905

COPY OF DECISION FORWARDED
APPLICANT DEC 29 1905

RECORD FORWARDED DEPARTMENT
DEC 29 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR.
FEB 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 20 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.

SEP 22 1906

NOTICE OF DEPARTMENTAL
ACTION FORWARDED

SEP 1906

June 26. 1906. Motion for rehearing
August 23. 1906 Motion for rehearing forwarded
[illegible]

Motion denied by Department

NOTICE OF DEPARTMENTAL ACTION MAY 6 1907
MAILED PARTIES HEREIN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. August 29, 1901.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of John A. Cunningham.

John A. Cunningham being first duly sworn by Commissioner Needles testified as follows:

Examination by the Commission:

Q What is your name? A John A. Cunningham.
Q What is your age? A 32 or 33 ; I aint sure.
Q What is your post office address? A McGee, Chickasaw Nation.
Q What was the name of your father? A John A. Cunningham.
Q Is he living or dead? A Dead.
Q Was he a citizen of the Choctaw Nation or a citizen of the United States? A A citizen of the United States.
Q What was the name of your mother? A Sallie Cunningham but her name now is Sallie C. Hewlett.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir.
Q How old is your mother? A Some 50 some odd years; I dont know exactly.
Q Where does she live? A She lives at McGee Chickasaw Nation.

The records of the Commission examined and the name of Sarah C. Hewlett, 49 years of age of Pauls Valley, Indian Territory appears upon Choctaw roll card field number D 27; she was admitted to citizenship in the Choctaw Nation by the Choctaw Council October 20, 1885. The name of Sarah C. Hulett appears on page 256 of Choctaw census record number 2, 48 years of age as a Choctaw citizen residing in the Chickasaw Nation.

Q Where were you born? A Austin, Travis County, Texas.
Q In what year? A '69.
Q How long did you live in Texas? A About 14 or 15 years.
Q Where did you go to then? A I went from Texas to New Mexico.
Q How long did you live in New mexico? A About six or seven months.
Q Where next did you go? A From Arizona to California.
Q How long did you reside in California? A About four years.
Q Where did you then go to? A To Nevada.
Q How long did you stay in Nevada? A About three years and a half I think.
Q Where did you go to from there? A Utah.
Q How long did you live in Utah? A Two years I think.
Q Where did you go to from there? A Back to Arizona.
Q How long did you remain in Arizona the second time? A Until I came here in March 1901.
Q Are you now living in the Indian Territory? A Yes sir
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen by blood of the Choctaw Nation? A Yes sir.
Q In what manner have you been recognized ? A By a bill of adoption by the council of the Choctaw Nation.

Q Do you know thedate of the passage of the act of the Choctaw Council? A It was passed in October 1885; I dont know the day of the month.

The records of the Commission examined and there is found on file a certified copy of the act of the Choctaw council passed at Tuskahoma Choctaw Nation October 20 1885 admitting to citizenship in the Choctaw Nation Mrs. L. H. Pendleton and her minor children Ellen H. Pate and Sallie Cunningham and th ier children Olivia W. Pate, Ellen A. Pate, Josie L. Pate, James C. Pate, Sallie M. Pate, Lavinia Pate, Louisa Pate, John A Cunningham andWest L. Cunningham.

Q Have you ever been enrolled by the Choctaw tribal authorities of the Choctaw Nation as a citizen by blood of the Choctaw Nation? A Yes sir.
Q When and where? A I was enrolledin '93 when my mother had me enrolled by them but I dont know what place; I think it was at Atoka; I aint sure.

The name of Sarah Cunningham Hulett, 43 years of age and her male child John Cunningham, 16 years of age appears upon Choctaw pay roll number 3.

Q Did you draw the leased district money in the Choctaw Nation in 1893? AMy mother drew it for me.
Q Where were you living at the time your mother drew the leased district money? A I was running on the railroad; working, and of course I wasin two states; I was running in California and Nevada.
Q Did you ever receive any of the money? A Yes sir.
Q Where were you living at the time you received the money? A I was in Ari zona; I told my mother to get it and use it for me; she did'nt send it to me for some little time after she drew it.
Q How old do you think you was at the time you received the leased district money? A I cant state; I did'nt receive it the year it wasdrawn because I told her to take it and use it; I received money from herafterwards
Q Are you positive as to your age? A No I am not; our family records was lost; and my mother's mind is'nt as good as it was and I aint positive how old I am.
Q When was it you first moved to the Indian Territory? A I was quite a small chap when I come to the Territory; that was after my father died; I did'nt come here to live then.
QWhen did you first come to the Territory to live? A Last March; I always considered it home where my mother was.
Q But as a matter of fact you have never resided for any length of timein the Indian Territory until this year? A Until this year; I considered it home though.
Q You never made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation did you before? A Not personally No.
Q Did anyone make application for you in 1896 that you know of? A I understand that my mother did; I dont know about her making it in 96; in 98 I believe.

Citizenship record of the Commission to the Five Civilized Tribes under the Act of June 10 1896 examined and the name of John A. Cunningham is not found thereon.

John A. Cunningham-3.

Q What is the name of your brother? A W. L. Cunningham .
Q How old is he? A I dont know positively how old.
Q About how old? A He's 30 something I believe ; I cant tell you how old he is.
Q Is he older than you? A Yes sir.
Q How much older than you do you think? A He may be four years and may be five might be only three; I cant say.
Q Is he a recognized citizen of the Choctaw nation? A Yes sir.
Q Have you any sisters? A I have not .
Q Have you any other brothers than W. L. Cunningham? A I have not

An examination of the records of the Commission show that West L. Cunningham of Pauls Valley, I T. 32 years of age was listed for enrollment September 14, 1898 and his name appears upon Choctaw roll card field number 140.
The name of West L. Cunningham 30 years of age also appears upon page 74 of the Choctaw census record for 1896 number 3096.

Q Are you married? A No sir I am not.
Q Were you ever married? A No sir.
Q Did you ever vote in any of the states where you lived.
A I voted in Arizona the last election.
Q Did you ever vote in any other state? A Never voted before.
Q How long has your mother livedin the Indian Territory? A She must have been here-- the best I can understand its been about eight or nine years - 10 maybe; I aint positive; I dont know you know; I wont be positive but I know she went to Texas once or twice for her health and got doctored and came back.
Q What part of the Territory does she live at? A McGee, Chickasaw nation.
Q Your name is not on any of the rolls except the 03 roll is it? A No sir I suppose not.

Clara Mitchell Wood being duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of August 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30th day of August 1901.

Commissioner in charge

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-661

Muskogee, Indian Territory, March 5, 1902

John A. Cunningham,

McGee, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th., day of April ,1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T.B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of John A. Cunningham for enrollment as a citizen of the Choctaw Nation.	D-661.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were also notified by registered mail that the application of John A. Cunningham for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney, but transmits by mail to this Commission two affidavits to be filed and considered in his case, which are filed by the Commission without objection by the Choctaw Nation.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Tebbetts Wood

Notary Public.

V.B-Cal.

AFFIDAVIT V.I. COMMISSION.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF THE INDIAN TERRITORY.

In the matter of:-

John A. Cunningham, Applicant for Enrollment as a Member of the Choctaw Nation of Indians.

I, West L. Cunningham of Durant, Indian Territory, do solemnly swear that I am the West L. Cunningham who has been listed by this honorable Commission for enrollment as a member of the Choctaw tribe of Indians by blood, and that I am the person who was recognized as a member of said Choctaw Nation by the act of the Choctaw Council commonly known as the Pontotoc Bill which was passed about the year 1885, admitting to membership in said tribe my mother now Mrs. Sarah C. Everett and others. That I identify the applicant John A. Cunningham as my full brother and as one of the persons whose name appears in said Pontotoc Bill.

West L. Cunningham.

Subscribed and sworn to before me on this the 5 day of Apr.1902.

Jos.A.Rivers.

Notary Public .S.E.D.I.T.

SEAL

V.B-221.

Affidavit of Sarah A. Hamlett.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF THE INDIAN TERRITORY.

In the matter of :-

John A. Cunningham, Applicant for Enrolment as a Member of the Choctaw Nation Intermarriage.

I, Mrs. Sarah A. Hamlett, of Hughes, Indian Territory do solemnly swear that I am the Sarah A. Hamlett who is listed for enrolment as a Member of the Choctaw Nation of Indians as a citizen by blood and that I and all members of my family were recognized as members of the Choctaw Tribe of Indians in the Act of the Choctaw Council passed in the year of 1866 and commonly known as the Pentleton Bill and that ever since the passage of said Act, I and all the members of my family have been uniformly recognized as members of said Choctaw Nation of Indians. And now upon my solemn oath I state that the above named applicant is my son and he the same person who is mentioned by that name in said Pentleton Bill, and that he was by me enrolled on the roll made by the authorities of the Choctaw Nation in 1885 and also on the roll made by said authorities in the year 1896: and that said John A. Cunningham is a full brother of my other son Foot L. Cunningham who has been listed by said Commission for enrolment as a member of the Choctaw Nation by blood.

I will further state that the name of said applicant was not given by me to said Commission for enrolment when they were in the Whitebeaver Nation in 1898, for the reason that at that time I believed him to be dead, but I have since found that he was alive and is still alive and I identify the applicant exclusively as my son and the person who was enrolled as above stated.

Sarah A. Hamlett.

[illegible] OF THE [illegible]

CONCERNING THE FIVE CIVILIZED TRIBES.

[illegible] SEP. 15, 1906.

April 15, 1902

Department of the Interior
Commission to the Five Civilized Tribes
Pauls Valley, I.T. October 21, 1902.

Choctaw D-661

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of John A. Cunningham.

O. W. Patchell attorney for applicant.

John A. Cunningham being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A John A. Cunningham.
Q How old are you? A I am about thirty-two some where along there I don't know exactly.
Q What is your post office address? A McGee, Chickasaw Nation.
Q How long have you resided in the Chickasaw Nation? A About two years.
Q Where was you born? A In Austin, Texas.
Q How long did you live there? A I could not say exactly.
Q About how long? A About four or five years.
Q Then where did you go? A I came North.
Q Came where? A Through the Indian Territory.
Q I want to know where you have lived during your life time; after you left Texas where did you live? A I went out West--In California.
Q How long did you stay in California? A Quite a number of years.
Q How long? A Probably nine or ten years.
Q Then where did you go? A I came back home to the Indian Territory.
Q Had you ever lived in the Indian Territory before that? A No, sir; but I always considered it my home.
Q You were a man twenty-five or twenty-six years of age then was you not? A I don't know; I have been here about two years and I was about thirty when I came home.
Q How long were you out West? A About fifteen years altogether.
Q Then you came here to the Indian Territory? A To reside.
Q When did you come here? A I don't know what year it was.--I was a boy.----I came here to live in 1901.
Q Were you ever here before? A I just came through here.
Q When did you first come here to make it your home? A I came here last year.
Q When? A Last year--1901.
Q Had you ever maintained a residence in Indian Territory prior to that time? A No, sir; not unless you consider my mother's home mine.
Q You are a man thirty-two years of age? A Yes, sir.
Q You are your own free agent to make a home anywhere you please? A Yes, sir.

#2

Q Yet you never came here to make this your home until you were thirty-one? A No, sir; I did not.
Q Have you ever been recognized during your life time in any manner by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw tribe? A Yes, sir.
Q When? A I was recognized in 1885 as a citizen.
Q How? A Recognized by what is known as the Pendleton Bill.
Q Were you admitted to citizenship in the Choctaw Nation? A Yes, sir.
Q Under what name? A John A Cunningham.
Q What is the date of that act of admission? A In 1885.
Q That an act of the National Council? A Yes, Choctaw Council.
Q You say that was in 1885? A I think so.
Q Where was you living at that time? A At home with my mother.
Q Where? AA In Austin, Texas.
Q Then you went to California? A Yes, sir.
Q Then after that act of admission in 1885 up until a year ago you never were in the Choctaw or Chickasaw Nations; never lived here? A No, sir.
Q How much Choctaw blood do you claim? A I could not tell you whether it is one-sixteenth or one eighth.
Q You claim your right as a citizen of the Choctaw Nation by virtue of this act of the National Council admitting your mother? A Yes, sir.
Q You were admitted yourself in that act were you not? A Yes, sir
Q Are you the John Cunningham mentioned in that act? A Yes, sir.

Examination by attorney O. W. Patchell.

Q When you left home about fifteen years ago did you ever establish any home after that? A No, sir.
Q Where did you consider your home? A Where my mother lived.
Q How soon after you left home did you understand that your mother moved to the Indian Territory? A About ninety.
Q Were you ever married? A No, sir.
Q During the period then, from the time that you left home until you came back to the Indian Territory did you ever have any established home anywhere? A No, sir.
Q Just roamed around? A Yes; I came here a little over a year.
Q Where did you intend having your home? A In the Choctaw Nation where my mother lived.

Witness excused.

Sarah C. Hewlett called as a witness being first duly sworn testified as follows:

By the Commission:

Q What is your name? A Sarah C. Hewlett.
Q How old are you? A About sixty-four I guess.
Q You are the same Sarah C. Hewlett who was admitted to citizenship by an act of the Nation Council of the Choctaw Nation in 1885? A I am. At the time my name was put down Cunningham.
Q Where were you living at that time? A Austin, Texas.
Q How long after that act of admission was it before you removed to the Indian Territory? A I removed here in '90.

#3

Q Have you lived here continuously since that time? A Yes, sir.
Q You are the mother of John A. Cunningham? A Yes, sir.
Q Your son John A. Cunningham was living with you in Texas at the time you were admitted to citizenship? A At the time? --Well, he was with me some of the time and some of the time he was not.
Q You were admitted on a specific date; where was this boy then, was he living with you, at home with you? A I think he was not with meat any time after he was quite a little boy.
Q Did he have any personal property or any individual estate ? A No, sir; he hasnot.
Q He was a minor when he left you? A He ran away from me.
Q When did you next hear from him? A I could not tell you the exact year. When I heard from him he was in California and Arizona. I could not give you the exact date.
Q You had remarried and had a home of your own? A I boarded generally; I married a second time.
Q From the time this boy left you up until 1885 he never did live with you? A No; he has been around--.
Q Now has he actually ever lived with you during the years of his minority up until he was twenty-one years of age and after that until the present time? A He has been with me some after he came here.
Q When did he come here? A Very near two years ago.
Q Did you see him between the time he left you and when he came back here to the Indian Territory? A I did not.
Q Did you ever contribute to his support during the time he was away from here? A Only in 1893 when I drew my money; I drew his money also and since then I have given him some of the money back, just as I could pay it back to him; Linton Tolle paid me that money.
Q That was the Leased District Payment made to the Choctaws? A Yes, sir.
Q Drew for this boy under the name of Cunningham? A Yes, sir.
Q You were living in the Chickasaw Nation then? A Yes; I went to Caddo to draw my money.

Examination by W. O. Patchell.

Q Are you the person Mrs. Hewlett that was admitted in the Pendleton Bill as Sallie Cunningham? A I am.
Q What relation are you to S. H. Pate and Mrs. S. H. Pendleton mentioned in that Bill? A Mrs. Pendleton is my mother and Mrs. Pate is my sister.
Q Since you removed to the Indian Territory have you been recognized, and if so in what manner, as a citizen of the Choctaw Nation? A Yes; I have been recognized and received money in 1893, the money was paid and in 1896 I was enrolled by the Indian Commission at Wynnewood.
Q Mrs. Hewlett what was the citizenship of your mother and where was your mother born? A In Mississippi.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 6 day of November 1902.

C. C. Stephens
Notary Public.

7-D-661.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein that on August 29, 1901, John A. Cunningham appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Choctaw Nation. Additional proceedings were had in the matter of said application at Pauls Valley, Indian Territory, October 21, 1902.

It further appears from the record herein that said applicant is the son of Sarah C. Newlett, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15599 upon the lists prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior September 22, 1904, and John Cunningham, a non-citizen; and that said applicant was admitted to citizenship in the Choctaw Nation under an Act of the Choctaw Council approved October 20, 1885.

It further appears from an examination of the tribal rolls of the Choctaw Nation in the possession of this office, that John A. Cunningham is identified upon the 1893 Choctaw Leased District Payment Roll, Chickasaw District, No. 138.

The record herein further shows that said applicant was born in the state of Texas in the year 1869, and until March, 1901, had never resided within the limits of Indian Territory.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

In view of the above statement of facts it is considered that said applicant was not a resident in good faith of the Indian Territory on June 28, 1898.

I am therefore of the opinion that the application made for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation should be denied under the provisions of law above quoted, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC 29 1905

7-D-661.

COPY.

Muskogee, Indian Territory, December 29, 1905.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-661.

7-D-661.

COPY.

Muskogee, Indian Territory, December 29, 1905.

O. W. Patchell,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying the application for the enrollment of John A. Cunningham, as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby
Commissioner.

Registered.
Incl. 7-D-661.

7-D-661.

COPY.

Muskogee, Indian Territory, December 29, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations.
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. 7-D-661.

Muskogee, Indian Territory, December 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John A. Cunningham as a citizen by blood of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1908, denying said application.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

2 Insl. 7-D-661.

Through the
Commissioner of Indian Affairs.

C.R.

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR. LLB

Washington, D. C.

I.T.D.1922-1906.
LRS
D. C. 5969-1906.

February 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record of the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation, including your decision of same date, denying said application, on the ground that said applicant was not a resident in good faith of the Indian Territory on June 28, 1898.

February 2, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision, adverse to the applicant, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated December 29, 1905, denying the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation is hereby affirmed.

Respectfully,

THOS. RYAN.
First Assistant Secretary.

1 inclosure.

(COPY)

Refer in reply to
the following.

Land.
129-1906.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington. February 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation of John A. Cunningham.

December 29, 1905, the Commissioner decided adversely to the applicant.

The Record shows that the applicant is the son of Sarah C. Hewlett, a recognized and enrolled citizen by blood of the Choctaw Nation whose name appears at Number 15899 on lists approved by the Department September 22, 1904, and John Cunningham a non-citizen; and that the applicant was admitted to citizenship in the Choctaw Nation under an act of its council approved October 20, 1885. He is identified upon the 1893 Choctaw Land District Payment Roll.

The record further shows that the applicant was born in the State of Texas in 1869, and until March 1901 never resided in the Indian Territory.

-2-

In view of the facts and of Section 21 of the act of June 30, 1906 (34 Stat. 596), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

E. F. Ladd,
Acting Commissioner.

MMK
C

T.B.Ed.

Muskogee, Indian Territory, February 23, 1906.

John A. Cunningham,
Madill, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 9, 1906, affirmed the decision of this office dated December 20, 1905, denying the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

T-D-CCA

Muskogee, Indian Territory, February [illegible], [illegible].

O. W. Patchell,
Attorney at Law,
Paula Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 9, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

9-D-661

Muskogee, Indian Territory, February 23, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 9, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

On December 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision denying the application of John A. Cunningham for enrollment as a citizen by blood of the Choctaw Nation, and this action was approved by the Secretary of the Interior February 9, 1906 (I.T.D.1922-1906).

I now have the honor to transmit herewith motion submitted by Kappler & Merillat, attorneys at law, Washington, D. C., for a reopening of this case, and for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

This motion was received at this office June 26, 1906. The attention of Messrs. Kappler & Merillat has been invited to the following provision of the Act of Congress approved April 26, 1904:

> "And no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act,"

but they have been advised that the motion submitted by them has been forwarded for Departmental consideration.

Respectfully,

Through the Commissioner
of Indian Affairs.

R-T-826

Acting Commissioner.

R-7-528

Muskogee, Indian Territory, August 23, 1906.

Kappler & Merillat,

Bond Building,

Washington, D.C.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of June 23, 1906, transmitting motion to reconsider and rehear the application of John A. Cunningham for enrollment as a citizen by blood of the Choctaw Nation.

I have to advise that the letter transmitting this motion was not received at this office until June 26, 1906, and in this connection your attention is invited to the following provision of the Act of Congress approved April 26, 1906:-

"And no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

You are informed, however, that the motion submitted by you has been forwarded to the Secretary of the Interior for consideration.

Respectfully,

Commissioner.

D. C. 11787. GR.

DEPARTMENT OF THE INTERIOR, O. K.

WASHINGTON.

I. T. D. 1922-1906.
4546-1907.

February 25, 1907.

LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney General for this Department, dated February 20, 1907, copy whereof is enclosed for your information, motion to reopen and reconsider departmental decision of February 9, 1906 (I.T.D. 1922), denying the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation, filed with the Department June 25, 1906, by Messrs. Kappler and Merillat on behalf of moving parties therein, is hereby denied.

The Department adheres to its decision of February 9, 1906, denying the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation.

The Indian Office has this day been requested to advise local counsel of this action, and you will advise resident counsel of the same action taken.

The record has this day been returned to the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 3 inc.
for Ind. Of.

A. F. Wo.
2-26-07.

D. C. 11767. JWH.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON.

Ind. Ter. Div.
1922--1906.

February 20, 1907.

The Secretary of the Interior.

Sir:

By reference of February 15, 1907, I am in receipt of the papers in the Choctaw enrolment case of John A. Cunningham. A motion for review of departmental decision of February 9, 1906, in the case having been filed, my opinion is requested in the matter.

It appears that the decision complained of, following the recommendation of the Indian Office, affirmed the decision of the Commissioner to the Five Civilized Tribes of December 29, 1905, adverse to the applicant, based upon paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides:

> No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

The facts in this case are found to be as follows: John A. Cunningham was born in Texas, in 1869. His father, John A. Cunningham, was a white man, evidently a citizen of the States and a resident thereof. His mother, Sarah C. Cunningham, now

Newlett, was born in Mississippi. She claims Choctaw descent, her quantum of Indian blood being, probably, one-eight or one-fourth. The father died when applicant was a small boy. The mother continued a resident of Texas, but by act of the Choctaw Council, October 20, 1885, she was admitted, together with her son, John A., and others, to citizenship in the Choctaw Nation. Not later than this act of admission, John A. Cunningham ran away from his mother and pursued for a number of years a wandering career through the western States and Territories. In so doing, on one ocasion he passed through the Indian Territory, but did not locate there or make it his home.

After her admission to Choctaw citizenship, and about the time when he attained his majority, applicant's mother removed, in 1890, to the Choctaw Nation, where she has since made her home. Her name appears upon the 1896 pay roll of the nation, and she has been listed for final enrolment, together with another son, W. L. Cunningham.

It was not until 1901 that John A. Cunningham located in the Indian Territory for the purpose of making it his home. This was sixteen years after he was admitted to citizenship, eleven years after he became of age, and nearly three years after the date fixed by said section 21 of the act of June 28, 1898.

Counsel for this applicant also represented the applicants in the Choctaw enrolment of Mitchell C. Adams, which was the subject of my opinion of February , 1907, and request present consideration of the brief filed by them in that case. These cases have been considered together, and it is found that the Adams case differs from the latter in that Adams was a native-born citizen by blood of the Choctaw Nation. In his case it was to be determined whether his absence from the nation, due to his efforts to obtain an education in the east, prolonged by impecunious circumstances, resulted in a loss or abandonment of his Choctaw citizenship, and, inasmuch as he was born and reared in the nation, the conclusion was reached that he was not one of the class of persons who were denied enrolment by the act of June 28, 1898, supra, it being considered that the words, "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," had no application to persons in his situation. Such was the position taken in my opinion of February 5, 1904, in the James Rhea case, which was relied upon by counsel in the Adams case.

As to Cunningham, however, a different question is presented. He was born outside of the Choctaw Nation, to parents who were then non-citizens thereof; furthermore he failed to

establish a residence therein prior to June 28, 1898, although he was of full age and free to come and go at will for eight years preceding that date. It is not shown that the Choctaw act of admission required removal to the nation within a time specified, or at any time, and it is probable there was no such requirement. But it is not believed that any right or privilege attached to admitted persons, even under the tribal law, prior to their removal to the Indian Territory, and as Cunningham did not remove to the Nation prior to the act of June 28, 1898, a final bar to his enrolment was raised by said act.

The views herein expressed are to be taken and understood as relating only to cases involving the acquisition of citizenship and not to those where the question in issue is one of expatriation, as was the case in the Adams matter. While it is contended that Cunningham's case, inview of his admission by the council, is one of expatriation only, I consider the argument untenable, inasmuch as the right to citizenship, initiated by said act, did not become complete by removal in due time.

The application for Mr. Cunningham's enrolment was made within the time fixed by law for the filing of applications for identification as Mississippi Choctaws, and it is possible that he may be entitled to be identified as one, his mother being of

Choctaw blood and of Mississippi origin, but there is nothing in the record which would warrant the conclusion that any of his ancestors was entitled to the benefits of article 14 of the treaty of 1830 (7 Stat., 333, 335).

It is observed that the motion for review was filed with the Commissioner to the Five Civilized Tribes on June 26, 1906; also that a copy of said motion was filed with the Secretary of the Interior on the preceding day. Whether the motion was filed within the time fixed by section 1 of the act of April 26, 1906 (34 Stat., 137), is a doubtful question, but as the opinion herein expressed is confirmatory of the action heretofore taken, I consider it inadvisable to discuss the matter further.

Very respectfully,

Franl L. Campbell,

Assistant Attorney General.

Approved, Feb. 20, 1907.

E. A. Hitchcock,

Secretary.

T-D-663

Muskogee, Indian Territory, March 26, 1907.

John A. Cunningham,
Yadoo, Indian Territory.

Dear Sir:

You are hereby advised that on February 23, 1907, the Secretary of the Interior denied the motion to reopen and reconsider the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

7-D-661

Muskogee, Indian Territory, March 26, 1907.

O. W. Patshell,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior denied the motion to reopen and reconsider the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,
Acting Commissioner.

7-D-661

Muskogee, Indian Territory, March 26, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior denied the motion to reopen and reconsider the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

7-20-661

W.F.

E.F.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D. 8076-1907.
D. C. 13307-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office contained in Indian Office letter of March 4, 1907, the motion for review in the matter of the application of John A. Cunningham for enrolment as a citizen by blood of the Choctaw Nation, submitted with said letter, is denied.

The papers in the case, together with a copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

7 inc. to Ind. Of.
McM 3-4-07.

T-D-661

Muskogee, Indian Territory, May 6, 1907.

John A. Cunningham,

McGee, Indian Territory,

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for review of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

J.D-661

Muskogee, Indian Territory, May 8, 1907.

G. W. Mitchell,
Attorney at Law,
Panola Valley, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for review of [illegible] application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-861

Muskogee, Indian Territory, May 6, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for review of the application for the enrollment of John A. Cunningham as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Chapter 2 501

Muskogee, Indian Territory, April 17, 1902.

John B. Cunningham,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, acknowledging receipt of our communication of March 8th, 1902, advising you that your application for enrollment as a citizen of the Choctaw Nation would be taken up for final consideration by the Commission at its office at Muskogee, Indian Territory, on April 15, 1902.

With your letter of the 11th instant you transmit the affidavit of Sarah C. Hewett and Wes L. Cunningham, your mother and brother as to your identity as the person admitted to Choctaw citizenship by an act of the Choctaw Council, commonly known as the Pendleton Bill and such affidavits have been filed and made a part of your application for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

T-D-661.

Muskogee, Indian Territory, August 21, 1902.

Patchell & Pyeatt,

Paula Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant requesting information relative to the status of the application of John A. Cunningham, for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that the records of the Commission show that on August 29, 1901, John A. Cunningham, thirty-two years of age, of McGee, Indian Territory, made application to the Commission for enrollment as a citizen of the Choctaw Nation.

No final action has been taken by the Commission in the matter of his enrollment, but it is probable that the same will be taken up for consideration at an early date, at which time he will be duly notified of the decision of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

7-D 661

Muskogee, Indian Territory, December 2, 1903.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, in which you ask if your enrollment has been approved by the Secretary of the Interior.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw B 57
Choctaw B 641

Muskogee, Indian Territory, February 8, 1904.

Ed Tyson,

Maxwell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, asking the status of the enrollment of J. W. Hewlett, Sallie C. Hewlett and John Cunningham.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of J. W. Hewlett, Sarah C. Hewlett and John A. Cunningham for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw-D-601.

Muskogee, Indian Territory, June 23, 1904.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 14th, in which you ask if your name has been approved by the Secretary of the Interior.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation; but as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw D 661

Muskogee, Indian Territory, September 27, 1904.

John A. Cunningham,

McGee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, asking the status of your enrollment, and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination. When a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-661

Muskogee, Indian Territory, October 10, 1904.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 1st instant, stating that an error was made in our letter of September 27, 1904, in designating you as an intermarried citizen of the Choctaw Nation; that you are the son of Sallie C. Hewlett and a brother of W. L. Cunningham and a citizen by blood of the Choctaw Nation.

You are advised that the statement contained in our letter of September 27, 1904, relative to the character of the application for enrollment was erroneous, it appearing from our records that you claim rights to enrollment as a citizen by blood of the Choctaw Nation.

You are advised, however, that the Commission has not yet passed upon your application. As soon as a decision is reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

Choctaw 341

Muskogee, Indian Territory, December 30, 1904.

John A. Cunningham,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 14, asking if your enrollment has been approved by the Commission and the Secretary of the Interior.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation, but as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-661

Muskogee, Indian Territory, February 27, 1905.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 18, 1905, in which you ask if your case has yet been acted upon and request to be informed if you can draw your per capita payment.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation, but when a decision is reached you will be notified of the action taken therein. In the event further evidence is necessary to enable the Commission to determine your right to enrollment, you will be notified.

Relative to that portion of your letter in which you ask about drawing your per capita payment, you are informed that the payment of moneys to the citizens of the Choctaw and Chickasaw Nations is a matter which is within the jurisdiction of the United States Indian Agent and for information relative thereto you should address him at Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

9-D-461

Muskogee, Indian Territory, March 27, 1905.

John A. Cunningham,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 19, 1905, asking if your case has yet been acted upon and when it will be taken up for consideration.

In reply to your letter you are informed that the Commission is passing upon applications for the enrollment of citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, but has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D-641.

Muskogee, Indian Territory, April 14, 1906.

John M. Cunningham,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, in which you state that you do not claim as an intermarried citizen of the Choctaw Nation but as a citizen by blood.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation. It appears you claim to be the John Cunningham admitted by an act of the Choctaw Council admitting Sarah Cunningham, now Sarah C. Moulott to citizenship in said Nation.

As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

9-D.661.

Muskogee, Indian Territory, May 23, 1902.

John A. Cunningham,

McGee, Indian Territory?

Dear Sir:

Receipt is hereby acknowledged of your letter without date, asking information relative to your enrollment. You state that you improved land with the expectation of filing on the same when your name was approved, but you now understand that some citizen has filed on it, and you ask what steps you should take in the matter of your enrollment.

In reply to your letter you are advised that the Commission is now taking up for consideration as rapidly as practicable all applications for enrollment in the Choctaw and Chickasaw Nations now pending before it, and it is probable that a decision will be reached in your case in the near future.

If any further evidence is necessary to enable us to determine your right to enrollment, you will be notified.

Respectfully,

Chairman.

Choctaw D 661

Muskogee, Indian Territory, June 27, 1906.

John A. Cunningham,

McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, asking if you have been approved as a citizen of the Choctaw Nation, and in reply you are advised that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation, but as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

T-D-661

McAlester, Indian Territory, August 11, 1906.

John A. Cunningham,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, 1906, stating that you are a citizen of the Choctaw Nation and asking if your case has yet been acted upon.

In reply to your letter you are advised that no decision has yet been reached in the matter of your application for enrollment as a citizen of the Choctaw Nation but you will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

1060

Muskogee, Indian Territory, August 26, 1905.

John A. Cunningham,

McGee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, 1905, asking if you have been approved as a citizen of the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached in the matter of your application for enrollment as a citizen of the Choctaw Nation, but you will be notified of such further action as is taken in your case.

Respectfully,

Commissioner.

Cheetaw D 561

Muskogee, Indian Territory, October 9, 1905.

John A. Cunningham,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 4, asking that early action be taken in the matter of your enrollment as a citizen by blood of the Cheetaw Nation.

In reply you are advised that this case will be taken up for consideration as soon as practicable and you will be notified of such action as is taken therein.

Respectfully,

Commissioner.

7-D-861

Muskogee, Indian Territory, October 10, 1905.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 5, 1905, asking that early action be taken in the matter of the application for the enrollment of John Cunningham as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that this case will be taken up for consideration as early as possible, and you and the applicant will be notified of the action taken therein.

Respectfully,

Commissioner.

7-D-661

Muskogee, Indian Territory, November 28, 1905.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 23, 1905, asking that an early decision be reached in the matter of the application of John A. Cunningham of McGee, Indian Territory, for enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that this case is now receiving consideration and as soon as a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

D. C. 11757. 7-D-661 GR.

DEPARTMENT OF THE INTERIOR, O. K.

WASHINGTON.

I. T. D. 1922-1906.
4546-1907.

February 25, 1907.

LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney General for this Department, dated February 20, 1907, copy whereof is enclosed for your information, motion to reopen and reconsider departmental decision of February 9, 1906 (I.T.D. 1922), denying the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation, filed with the Department June 25, 1906, by Messrs. Kappler and Merillat on behalf of moving parties therein, is hereby denied.

The Department adheres to its decision of February 9, 1906, denying the application of John A. Cunningham for his enrollment as a citizen by blood of the Choctaw Nation.

The Indian Office has this day been requested to advise local counsel of this action, and you will advise resident counsel of the same action taken.

The record has this day been returned to the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 5 inc.
for Ind. Of.

A. F. Mc.
2-26-07.

D. C. 11757.

JWH.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON.

Ind. Ter. Div.
1922--1906.

February 20, 1907.

The Secretary of the Interior.

Sir:

By reference of February 15, 1907, I am in receipt of the papers in the Choctaw enrolment case of John A. Cunningham. A motion for review of departmental decision of February 9, 1906, in the case having been filed, my opinion is requested in the matter.

It appears that the decision complained of, following the recommendation of the Indian Office, affirmed the decision of the Commissioner to the Five Civilized Tribes of December 29, 1905, adverse to the applicant, based upon paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides:

> No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

The facts in this case are found to be as follows: John A. Cunningham was born in Texas, in 1869. His father, John A. Cunningham, was a white man, evidently a citizen of the States and a resident thereof. His mother, Sarah C. Cunningham, now

Hewlett, was born in Mississippi. She claims Choctaw descent, her quantum of Indian blood being, probably, one-eight or one-fourth. The father died when applicant was a small boy. The mother continued a resident of Texas, but by act of the Choctaw Council, October 20, 1885, she was admitted, together with her son, John A., and others, to citizenship in the Choctaw Nation. Not later than this act of admission, John A. Cunningham ran away from his mother and pursued for a number of years a wandering career through the western States and Territories. In so doing, on one ocasion he passed through the Indian Territory, but did not locate there or make it his home.

After her admission to Choctaw citizenship, and about the time when he attained his majority, applicant's mother removed, in 1890, to the Choctaw Nation, where she has since made her home. Her name appears upon the 1893 pay roll of the nation, and she has been listed for final enrolment, together with another son, W. L. Cunningham.

It was not until 1901 that John A. Cunningham located in the Indian Territory for the purpose of making it his home. This was sixteen years after he was admitted to citizenship, eleven years after he became of age, and nearly three years after the date fixed by said section 21 of the act of June 28, 1898.

Counsel for this applicant also represented the applicants in the Choctaw enrolment of Mitchell C. Adams, which was the subject of my opinion of February , 1907, and request present consideration of the brief filed by them in that case. These cases have been considered together, and it is found that the Adams case differs from the latter in that Adams was a native-born citizen by blood of the Choctaw Nation. In his case it was to be determined whether his absence from the nation, due to his efforts to obtain an education in the east, prolonged by impecunious circumstances, resulted in a loss or abandonment of his Choctaw citizenship, and, inasmuch as he was born and reared in the nation, the conclusion was reached that he was not one of the class of persons who were denied enrolment by the act of June 28, 1898, supra, it being considered that the words, "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," had no application to persons in his situation. Such was the position taken in my opinion of February 5, 1904, in the James Rhea case, which was relied upon by counsel in the Adams case.

As to Cunningham, however, a different question is presented. He was born outside of the Choctaw Nation, to parents who were then non-citizens thereof; furthermore he failed to

establish a residence therein prior to June 28, 1898, although he was of full age and free to come and go at will for eight years preceding that date. It is not shown that the Choctaw act of admission required removal to the nation within a time specified, or at any time, and it is probable there was no such requirement. But it is not believed that any right or privilege attached to admitted persons, even under the tribal law, prior to their removal to the Indian Territory, and as Cunningham did not remove to the Nation prior to the act of June 28, 1898, a final bar to his enrolment was raised by said act.

The views herein expressed are to be taken and understood as relating only to cases involving the acquisition of citizenship and not to those where the question in issue is one of expatriation, as was the case in the Adams matter. While it is contended that Cunningham's case, inview of his admission by the council, is one of expatriation only, I consider the argument untenable, inasmuch as the right to citizenship, initiated by said act, did not become complete by removal in due time.

The application for Mr. Cunningham's enrolment was made within the time fixed by law for the filing of applications for identification as Mississippi Choctaws, and it is possible that he may be entitled to be identified as one, his mother being of

Choctaw blood and of Mississippi origin, but there is nothing in the record which would warrant the conclusion that any of his ancestors was entitled to the benefits of article 14 of the treaty of 1830 (7 Stat., 333, 335).

It is observed that the motion for review was filed with the Commissioner to the Five Civilized Tribes on June 26, 1906; also that a copy of said motion was filed with the Secretary of the Interior on the preceding day. Whether the motion was filed within the time fixed by section 1 of the act of April 26, 1906 (34 Stat., 137), is a doubtful question, but as the opinion herein expressed is confirmatory of the action heretofore taken, I consider it inadvisable to discuss the matter further.

Very respectfully,

Franl L. Campbell,

Assistant Attorney General.

Approved, Feb. 20, 1907.

E. A. Hitchcock,

Secretary.

F.P.

S.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON,

I.T.D. 8078-1907.
D. C. 13397-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office contained in Indian Office letter of March 4, 1907, the motion for review in the matter of the application of John A. Cunningham for enrolment as a citizen by blood of the Choctaw Nation, submitted with said letter, is denied.

The papers in the case, together with a copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

7 inc. to Inf. Of.
McM 3-4-07.

John H. Hilmoth

Record transferred to
Photaio card # 7,9

CHOCTAW

William M. Truett

Record transferred to

CHOCTAW #5819.

D 664

Ida May Holson et al.

Records transferred to
Chodaw 3764

D. 665

Mollie Ann Seabolt

Record transferred to
Chactaw card #5763.

D. [illegible]

Minnie Russell

Record transferred to
Chodau card 15763.

Choctaw D-667

Daisy Addington

Addington.

DISMISSED

MAY 13 1904

Wife of Burrell Addington
Choctaw card #5208.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of:

DAISY ADDINGTON ---------- 7-D-667.

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---o---
--o--
-o-
o
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T. October 7, 1901.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Daisy Addington. Daisy Addington being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

Q What is your name? A Daisy Addington.
Q How old are you? A Eighteen.
Q Where do you live? A Addington.
Q Where is that? A Indian Territory.
Q What nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation, Indian Territory? A Five years.
Q Where did you live before that? A Beloh, Texas.
Q Were you born in Texas? A No sir, born in Illinois.
Q What is your father's name? A Will Adams.
Q Is your father living? A Yes sir.
Q Is your father a white man? A Yes sir.
Q Did he ever make any claim to citizenship with any tribe of Indians? A No sir.
Q What is your mother's name? A Martha Adams.
Q Is your mother living? A Yes sir.
Q Is your mother a white woman? A Yes sir.
Q Did she ever make any claim to citizenship in any tribe of Indians? A No sir.
Q Have you ever made any application to be enrolled as a member of any tribe of Indians prior to this time? A No sir.
Q Your application you are now making is for enrollment as a citizen by intermarriage of the Choctaw Nation - is that correct?
A Yes sir.
Q What is the name of your husband? A Burrell Addington.
Q Is he a citizen of the Choctaw Nation? A Yes sir.
Q How old is he? A Nineteen.
Q Do you know what his father's name is? A Columbus.
Q What is his mother's name? A Belle.
Q Are they living? A No sir.
Q Both dead? A Yes sir.
Q Do you know how your husband became a citizen of the Choctaw Nation? A No sir.
Q Was he always recognized and enrolled by the Choctaw tribal authorities as a citizen of that Nation? A Yes sir.
Q Or was he admitted to citizenship by a judgment of the United States Court in Indian Territory. Do you know? A No sir.

The name of Burrell Addington, the husband of this applicant, is found upon the records of the Commission on Choctaw roll card, field No. 5206 as Burrell Addington, 14 years of age, the son of Columbus and Belle Addington, deceased. The name of Burrell Addington is not found upon any of the tribal rolls of the Choctaw Nation in the possession of this Commission and his rights to citizenship are by judgment of the United States Court for the Central District of Indian Territory, rendered at South McAlester, Indian Territory, August 23, 1897, in court case No. 121.

Q When were you married to Mr. Addington. September 1st, 1901.

Q Where were you married? A Addington.
Q Who married you? A Brother Porter is all I know.
Q Prior to your marriage how long had you and your husband been residents of the Chickasaw Nation. That is, how long had you and your husband lived in the Chickasaw Nation before you were married? A Five years I guess.
Q Both of you lived there five years? A Yes sir.
Q Did you obtain a license to marry? A Yes sir.
Q Where did you obtain the license? A Dyed.
Q Did you obtain a license under the laws of the Chickasaw Nation? A I don't know.
Q Have you your marriage license and certificate with you?
A Yes sir.
Q Let me see them.

There is offered in evidence, filed and made a part of the record of this application, a license issued by the Clerk of the United States Court for the Southern District of the Indian Territory to O. B. Addington to marry Daisie Adams, the 31st day of August, 1901 and attached thereto is the certificate of S. W. Porter, as to the marriage of the said Addington and Daisie Adams on the 1st of September, 1901.

Q Were you ever married to any body before you married Mr. Addington under this license? A No sir.
Q Was he ever married to any person before he married you under this license? A No sir.
Q Is this the only license you were ever married under? A Yes sir.
Q Did you obtain this from the Clerk of the United States Court for the Southern District, Indian Territory? A Yes sir.
Q You have never obtained any license to marry Mr. Addington under the laws of the Chickasaw Nation? A No sir.
Q Is there anything further you want to say? A No sir.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 7th day of October, 1901.

Acting Chairman.

Ex. A.

Certificate of Record of Marriage

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District. } sct.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. O. B. Addington and

Mr. Dayzie Adams

were filed in my office in said Territory and District the 6th day of Sept. A. D. 1901

and duly recorded in Book E. of

Marriage Record, Page 558.

WITNESS my hand and Seal of said Court, at

Ardmore, this 6th day

of Sept. A. D. 1901

FILED
SEP 6 1901 8 AM

C. M. Campbell
CLERK.

C. M. CAMPBELL, Clerk.

☞ Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 7 1901

ACTING CHAIRMAN

358

Marriage License

United States of America,
INDIAN TERRITORY
SOUTHERN DISTRICT.

To Any Person Authorized by Law to Solemnize Marriage, Greeting:

You Are Hereby Commanded To solemnize the Rite and publish the Banns of Matrimony between Mr. O.B.Addington, of Addington, in the Indian Territory, aged 19 years and M Daysie Adams, of Addington, in the Indian Territory, aged 18 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this 31st day of August, A. D. 190 1

C. M. CAMPBELL,
Clerk of the United States Court.

By J. H. Wooton Dep

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, S. W. Porter a Minister of the Gospel do hereby certify, that on the 1st day of September, A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 2nd day of Sept, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, Page 64

S. W. Porter
a Minister of G. P. Church

(NOTE.—The person officiating should fill in the spaces for book and page and sign here.)

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Daisy Addington for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-667.

On the 5th day of March, 1902, the applicant was notified by registered mail and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Daisy Addington for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clara M. Chalmers
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-667.

Muskogee, Indian Territory, March 5, 1902.

Daisy Addington,

Addington, Indian Territory.

You are hereby notified that the application of Yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Title

7-D-667.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

In the matter of the application of Daisy Addington for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Daisy Addington, nee Adams, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Burrell Addington. The right of the applicant's husband, Burrell Addington, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 9, 1904, in case No. 61, upon the South McAlester docket of said court, it is hereby ordered that the application of Daisy Addington for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

M[illegible] [illegible] 1904

Choctaw D-667

COPY.

Muskogee, Indian Territory, May 13, 1904.

Daisy Addington,

Addington, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-667.

Choctaw D-667.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission, dated May 13, 1904, dismissing the application of Daisy Addington for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-667.

Choctaw D 667

Muskogee, Indian Territory, February 10, 1904.

Daisy Addington,

Addington, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw -007.

In the matter of the enrollment of [illegible] as an intermarried citizen of the Choctaw Nation.

Choctaw [illegible] Children's [illegible]

[illegible]
Commissioner.

FILED
FEB 6 [illegible]

Chairman

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daisy Addington as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-667.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

688

John H. Pipgras

Record Transferred to
Choctaw card # 4626

D 669

L. Cornelius Rockley

Record transferred to
Choctaw card #2435

Margaret Isaac

Transferred to Shorthand

5897 JAN 28 1905

D. 671

James P. Dunn

Record transferred to
Choctaw card # 3658

D. 672

Ida. Goodman, et al.

Record transferred to Choctaw card #5614

D 673

Grace Freeny

Record transferred to
Chachara card # 3947

CHOCTAW.

D 674

Maggie Nelson

Record transferred to
Choctaw card #1344.

9 675

Sillena Aikon

Record transferred to
Choctaw card # 1844

Choctaw D-176

Stephen P. Hicks

LAW-DEC

Stephen P Hicks

RE[illegible]D

DECISION RENDERED

CO[illegible] FORWARDED APR 28 1906
ATT[illegible] LAW AND
CHICKASAW NATIONS. AP[illegible] 1906

COPY OF DECISION FORWARDED
APPLICANT

[illegible] 1906

RECORD FORWARDED DEPARTMENT.

[illegible] 28 1906

ACTION APPROVED BY
SECRETARY OF INTERIOR.

[illegible] 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

JUL 19 1906

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

[illegible] 1906

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. November 8, 1901.

In the matter of the application of Stephen P. Hicks for enrollment as an intermarried citizen of the Choctaw Nation.

Stephen P. Hicks being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Stephen Pleasant Hicks.
Q What is your age? A 74.
Q What is your post office address? A My post office is Panshawe, Indian Territory, Choctaw Nation.
Q How long have you resided in the Choctaw Nation? A 32 years - going on 33.
Q Have you maintained a continuous residence in the Choctaw Nation for that length of time? A With the exception of one year.
Q When was that? A About '86 I believe, as well as I recollect.
Q What is the name of your father? A Joel Hicks.
Q Is he living or dead? A He's dead.
Q What is the name of your mother? A Priscilla Hicks.
Q Is she living or dead? A She's dead; both of them died in Tennessee.
Q Were both of your parents white persons? A Yes sir.

Q Citizens of the United States? A Yes sir.
Q Did either of your parents ever make claim to citizenship in any of the five tribes in Indian Territory? A Never did.
Q Have you ever made application for citizenship in the Five tribes ? A Never did.
Q The application you are now making is for enrollment by intermarriage as a citizen of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw Indian to whom you were married and through whom you claim rights as an intermarried citizen of the Choctaw Nation? A Mellie Priscilla Lewis.
Q Was she a citizen by blood of the Choctaw Nation? A That was what was claimed and thats what they have gained already. The livings one have.
Q When did you marry her? A The 15th day of July '73 I reckon ; I had it in my day book and I turned to it a while ago and it was gone.
Q Have you any evidence of the marriage? A I have the old lady Lewis - Zora P. Lewis who is now the head of this whole outfit and two of her daughters were on the floor and witnessed it; then I have their letters; I haven't them with me but my attorney has them and he wrote to them and they wrote to him to that effect.
Q Have you got any evidence with you? A No sir.
Q Have you got any evidence anywhere? A Just the evidence I spoke of.
Q Have you got any marriage certificate of your marriage with this woman? A At that time the custom was for the minister to marry them and have it recorded and he did so; Matthew Kern had it recorded.
Q Then you can get the record evidence? A It may be possible.
Q Where were you married? A Married in Sebastain County Arkansas at her home where her father lived at that time.
Q How long did you live with your wife after you married her? A A little over five years; then she died and left me.
Q And you were married in 1873 and she died sometime in 1878? A

Somewhere along there; March I think.
Q Who performed the marriage ceremony. A Matthew Horn, A Methodist minister.
Q And you lived with her until her death? A Yes sir; death parted us.
Q Did you have any children? A One boy that has his right.
Q What is his name? A Uhric Z. Hicks.
Q After the death of your Choctaw wife were you married again? A. Yes sir.
Q To whom were you married? A Minerva Choate.
Q Is she still living? A Dead. She died the 4th day of June - last June was a year.
Q Was she a white woman? A She was a white woman.; yes sir.
Q You are not married now? A No sir.
Q The following is the 5th section of the Act of the National council of the Choctaw Nation, November 9, 1875.

" Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation by intermarriage, as herein provided, and be left a widow or widower he or she shall continue to enjoy rights to citizenship unless he or she shall marry a white man or woman or person, as the case may be, having no right to Choctaw citizenship by blood. In that case all his or her rights to citizenship under the provisions of this act shall cease."

Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen by intermarriage of the Choctaw Nation? A No sir.

Tribal rolls of the Choctaw Nation in the possession of the Commission have been carefully examined and the name of this applicant does not appear thereon.

Q Did you in 1896 make application to this Commission for citizenship in the Choctaw Nation by intermarriage of that nation under the provisions of the act of Congress of June 10, 1896? A I did not.

The records of persons admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes as authorized by the Act of Congress of June 10, 1896 carefully examined and the name of this applicant does not appear thereon.

Q Were you ever admitted to citizenship by a judgment of the United States Court in Indian Territory? A I was not.

The record of persons admitted t o citizenship in the Choctaw Nation by a judgment of the Unit ed States Court in Indian Territory have been carefully examined and the name of this applicant does not appear thereon.

Q Is there any additional statement that you desire to make in support of your application? A Well yes sir if you please - a short statement I would like to make. I was on the roll at the start; there was a roll that seems to be concealed; that can be proved that there was. The reasons accompanying this is simply this: they made the application and wrote to me and my wife in my wife's life time that Rhoda Coward, the eldest daughter of the old lady Lewis - her and her mother had made the application and we were on the roll; that was in 1896 ; about there somewhere as near as I can call it to mind but after that they were fiercely rejected by the Choctaw Nation; by its authorities; one chief came into authority - Jack Mc Curtain; that raised a tremendous trouble among the people. I never

know a second roll was made until it had passed the Supreme Court of the United States and I saw it in the paper; they made a new roll and left me off; I thought I was on it until I enquired into it.

The decision of the Commission as to your application for enrollment as a citizen by intermarriage of the Choctaw Nation will be determined at the earliest possible date and a copy of the same will be mailed to you at your present post office address as given in your testimony at this time.

Clara Mitchell Wood being first duly sworn on her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of November 1901 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 9th day of November 1901.

J. L. Dodson

Notary Public.

[illegible]

Center I. T.

July 24, 1902

To whom it may concern:

Mrs Sophia Early being duly sworn disposes and says: that she was about sixteen years old when N. F. Ficke married her sister Mary E. Lewis. says that She did not witness the marriage but when the time arrived for the wedding that She left the room and there for did not see the ceremony performed. but she knows that they lived as man and wife until her Sister Mary died.

Sophia Early

Subscribed and sworn to before me this 22 day of July 1902.

(SEAL)

[illegible]

Not. Pub

Department of the Interior

Commission of the Five Civilized Tribes.

Filed Jul 30 1902

Sam Bixby, Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.,
Atoka, I.T. March 11, 1903.

7-2676

In the matter of the application of Stephen P. Hicks for enrollment as an inter married citizen of the Choctaw Nation.

Stephen P. Hicks being duly sworn testified as follows

Examination by the Commission:

Q What is your name? A Stephen P. Hicks.
Q How old are you? A I was born the record shows, on October 25, 1857.
Q What is your post office address? A Hitchita, Indian Territory
Q What Nation is that in? A Creek Nation.
Q How long have you resided in the Creek Nation? A I haven't resided there only just temporarily at all. I have been through all the Nations preaching and Oklahoma and I happened to be there when I get the summons to come here.
Q How long have you lived in Indian Territory? A About thirty two years.
Q Have you lived here continuously for the past thirty two years? A There was two years when my family was out in the States and I kept up in the nation which I considered my home all the time.
Q You have never been outside of the Nation to establish a home anywhere else? A No sir; I can say that I have an improvement in the Choctaw Nation that I come justly by.
Q Are you a white man? A I suppose so.
Q Do you claim the right to enrollment as an inter-married citizen of the Choctaw nation? A Yes sir.
Q What is the name of the Choctaw woman through whom you claim this right? A Mary P. Lewis.
Q Is she an enrolled and recognized citizen of the Choctaw Nation? A They have been since that time.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir; before this in 1876
Q When were you married to this woman? A July 15, 1873 or 1874-- I have got it somewhere; '74 may be.
Q Where was this marriage ceremony performed? A Sebastian County, Arkansas.
Q Where were you living at that time? A I think I was then living in the Choctaw Nation; I had lost my wife and family.
Q Where was this Mary P. Lewis living? A She was living in Arkansas with her father.
Q Who married you? A Mathew Horn, Minister of the Methodist Episcopal Church, South.
Q Were you married under a license? A Before there was any license. The preacher said the ceremony and went before the County clerk and had it recorded; this was done and the court house at Greenwood was burned.
Q Did he give you a certificate? A We went and recorded it.

Q Where was it recorded? A At Greenwood in Sebastian County.
Q And those records were burnt up? A Yes sir.
Q Who was present at this marriage to this woman? A Her mother and two of her sisters that are yet living; there's several others who are dead.
Q These are the only witnesses that are living? A Yes sir.
Q Where did you and this woman live after your marriage? A In the Choctaw Nation until her death.
Q Whereabouts? A In Skullyville County near where John Page is living.
Q How long did you live with this woman continuously as her husband? A Over five years; till she died.
Q There was no separation during her life time? A No sir; her memory is sacred.
Q While she was living you made your home in the Choctaw nation? A Yes sir; she died there.
Q Since her death have you re-married? A Yes sir.
Q When did you re-marry? A I re-married---I don't know the date. I could go to the records at home.
Q How long after her death? A Some three or four years.
Q What is the name of your second wife? A Choate.
Q Is she a white woman? A Yes sir.
Q She made no claim to enrollment as a member of any Indian tribe A None.
Q How long did you live with this woman? A 13 or 14 years.
Q Did she die? A Yes sir.
Q Have you re-married since her death? A No sir.
Q Were you ever marriedprevious to yourmarriage to Mary P. Lewis? A I was; once.
Q What was the name of your first wife? A Lasmiter.
Q What was her first name? A Ellen.
Q Was she a white woman? A Yessir.
Q Was she dead at the time of your marriage to your Indian wife? A Yes sir.
Q Was Mary P. Lewis ever married previous to her marriage to you? A No sir.
Q Were you ever recognized or enrolled by the tribal authorities of the Choctaw nation as an inter-married citizen of that nation? A I reckon not.
Q Have you ever been admitted to citizenship in the Choctaw nation by the legally constituted authorities of that nation? A All that's been done was done by the Dawes Commission.
Q You never went before the authorities of the nation? A I never commenced it; I can explain; the commencement of this thing was taken up and my name upon the first roll, but after a while some unpleasant things arose with some parties and the first trial was made and I thought I was on the roll until it was decided and found I wasn't on it. The roll that was commenced by Zora Lewis and her daughter that was commenced in '67.
Q A roll of the Choctaw citizens? A Yessir; a roll they prepared to send to the Council.
Q Your name was never presented to the council? A My name was presented they said.
Q Were you ever admitted to citizenship in the Choctaw nation? A No; they ignored it.
Q Were you ever admitted by this Commission or the United States Court? A No, my case has never been before the United States Court.
Q Well, can't you answer that? A No sir, I wasn't.

Examination by S.B.Lewis:

Q You married this M.P.Lewis before she was ever admitted by the court or anyone else, didn't you? A Of course, there was no such thing as the court then.

[illegible]

[illegible] being duly sworn on his oath states that stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 11, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 13 day of March, 1902.

Charles Halsey

Notary Public.

C O P Y .

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stephen P. Hicks as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. 676.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Barly, et al., vs/ Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of citizenship rights by intermarriage, if any, of whose white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon this subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

Endorsed:

Choctaw-D-676
In the matter of the enrollment of Stephen P. Hicks as an intermarried citizen of the Choctaw Nation.

Protest of the Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

C O P Y.

Cathey, I. T. Oct. the 18th, 1906.

To the Commission to the 5 tribes, Muskogee.

Dear sir your favor of the 4 inst is to hand in which you ask is Ulric Hicks your son to which I answer he is my son by the Indian woman the daughter of Zerce P. Lewis the widow of J. M. Lewis and it was proved in 1875 that his mother was a half breed Indian and talked the Choctaw language. This is the 3rd time I have answered this question. I sopose it is on the reol Ullric Zuefingle Hicks hereafter address me at Cathey I.T.
most Respectful,

S. P. Hicks.

7-D-676.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stephen Pleasant Hicks as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the records herein that on November 8, 1901, Stephen Pleasant Hicks appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage on July 15, 1873, to Mollie Priscilla Lewis, an alleged Choctaw Indian, who died in 1878.

Although ample opportunity has been afforded said applicant to show by satisfactory evidence that Mollie Priscilla Lewis, from whom the applicant claims his intermarried rights, was a recognized Choctaw Indian, he has failed to do so.

It does not appear from the evidence submitted in support of said application, or from the records in possession of this office, that Mollie Priscilla Hicks, through whom the applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation, has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495); neither does it appear that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted be Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress sited above.

I am, therefore, of the opinion that the application made for the enrollment of Stephen Pleasant Hicks as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

APR 28 1906

COPY

Muskogee, Indian Territory, April 28, 1906.

Stephen Pleasant Hicks,

Cathay, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-676.

7-D-676.

COPY

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, denying the application for the enrollment of Stephen Pleasant Hicks as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-676.

COPY

Muskogee, Indian Territory, April 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Stephen Pleasant Hicks as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 23, 1906, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 7-D-676.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, LRB
WASHINGTON.

July 6, 1906.

I.T.D. 11494-1906
D. S. 29154

LRB.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decision of April 28, 1906, denying the application of Stephen Pleasant Hicks for his enrollment as a citizen by intermarriage of the Choctaw Nation is hereby affirmed, in accordance with the recommendation of the Indian Office of June 26, 1906.

A copy of the Indian Office letter is inclosed.

Respectfully,
Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
38930-1906.

WASHINGTON.

June 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report dated April 28, 1906, from the Commissioner to the Five Civilized Tribes, transmitting the record relative to the application of Stephen Pleasant Hicks for enrollment as an intermarried citizen of the Choctaw Nation.

On April 28, 1906, the Commissioner held that the applicant was not entitled to enrollment. From the record in the case it appears that on July 15, 1873, the applicant married Mollie Priscilla Lewis, an alleged Choctaw Indian, who died in 1878. It does not appear from the record that the wife of the applicant was a recognized and enrolled citizen of the Choctaw Nation, or that she was admitted to citizenship therein by the tribal authorities. The applicant is a white man and he has never been admitted to citizenship by the tribal authorities, the Commission, or the court. Even if his wife were a citizen of the Choctaw Nation, which is not shown, he is not entitled to enrollment, as the marriage ceremony was not performed in accordance with the laws of the Choctaw Nation. He claims that at the time he married his wife, in 1873, it was

not necessary to obtain a license in order that citizenship might be conferred on him if his wife was a Choctaw citizen.

Section 2 of the Act of the Choctaw National Council approved in October, 1840, is as follows:

> That he (white man) shall be required to procure a license from some judge or the district clerk and be lawfully married by a minister of the gospel or some other authorized person before he shall be entitled and admitted to the privileges of citizenship.

It is very evident that the applicant's testimony is in error, as he was married in 1875 and the Choctaw laws have required white men intermarried with citizens of the nation since 1840, in order to gain citizenship to obtain a Choctaw marriage license. It is recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH

7-D-326

Muskogee, Indian Territory, July 19, 1906.

Stephen Pleasant Hicks,

Cathay, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of July 6, 1906, affirmed the decision of this office dated April 28, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

7-D-626

Muskogee, Indian Territory, July 19, 1906

DOF

Mansfield, McMurray & Cornish,

Attorneys for Choctaw a nd Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of July 6, 1906, affirmed the decision of this office dated April 28, 1906, denying the application for the enrollment of Stephen Pleasant Hicks, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Commissioner.

Muskogee, Indian Territory, January 8, 1902.

David Crenshaw,

Tuskahoma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 26, 1901, relative to the obtaining of affidavits of Zory Lewis and Mrs. Edwards in support of the application of Stephen F. Hicks, for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are informed in reply to your letter that the Commission will hear the personal testimony of these witnesses at its office at Muskogee, Indian Territory, or will accept any documentary evidence of a reliable character establishing the fact of the marriage of Stephen F. Hicks to a citizen by blood of the Choctaw Nation in accordance with the Choctaw tribal laws.

Yours truly,

Commissioner in Charge.

T-B-676.

Chectaw D 676

Muskogee, Indian Territory, July 18, 1904.

E. P. Hicks,

Monroe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, relative to your right to enrollment as a citizen by intermarriage of the Choctaw Nation.

You are advised that the Commission has not up to this time rendered a decision in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, but when a decision is rendered you will be notified thereof and also of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Tenton 2 [illegible]

Muskogee, Indian Territory, July 30, 1900.

David Crosshan,

Tamaha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing the affidavit of Joshua Early as to the marriage of S. P. Hicks and Mary P. Lewis, and such affidavit has been duly filed with the records of this office in the matter of the application of Stephen P. Hicks for enrollment as a citizen by intermarriage of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D676

Muskogee, Indian Territory, February 3, 1903.

S. P. Hicks,

Witchita, Indian Territory.

Dear Sir:

Your letter of January 9, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein relative to your enrollment in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Stephen P. Hicks has been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation and that his final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified.

Respectfully,

Acting Chairman.

Choctaw-D-676

Muskogee, Indian Territory, February 27, 1903.

S. P. Hicks,

Hitchita, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides :

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 676.

Muskogee, Indian Territory, March 24, 1905.

Stephen P. Hicks,

Hitchita, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 12, asking for a decision in your case, and in reply you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and that your final right to such enrollment has not yet been determined. As soon as a decisionis reached in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Chickasaw D 676.

Muskogee, Indian Territory, March 28, 1903.

S. P. Hicks,

Hitchita, Indian Territory.

Dear Sir:

Your letter of March 14, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein relative to your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that no further information can be give you at this time in regard to your application than that contained in our letter of March 24, 1903.

Respectfully,

Chairman.

7 - D678

Muskogee, Indian Territory, September 9, 1903.

S. P. Hicks,

Checotah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 19, 1903, addressed to the Secretary of the Interior and forwarded by him to this Commission for consideration and appropriate action.

It appears from our records that on November 8, 1901, you were listed as a doubtful claimant to enrollment as a citizen by intermarriage of the Choctaw Nation.

No decision as to your right to enrollment has yet been rendered by the Commission. Whenever a decision has been made in your case a copy of the same will be forwarded to you.

Respectfully,

Chairman.

7-B-676

Muskogee, Indian Territory, October 13, 1903.

Stephen H. Hicks,

Checotah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23, 1903, addressed to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action.

Enclosed with your letter is a communication signed by Harley & Lewis, attorneys at law, South McAlester, Indian Territory, dated September 17, 1903, addressed to Ulrich S. Hicks, relative to his citizenship case pending before the Choctaw-Chickasaw Citizenship Court, and you state that you have never employed them to represent the case for your son, and you believe they are trying to defeat the ends of justice.

The matter referred to by you is entirely without the jurisdiction of the Commission and the letter from Harley & Lewis, is returned to you herewith.

Respectfully,

Chairman.

Enc. No. 1

Choctaw D 678

Muskogee, Indian Territory, February 10, 1904.

Stephen P. Hicks,
Hitchita, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 676

Muskogee, Indian Territory, February 20, 1904.

David Crenshaw,

Ranshawe, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 2, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action.

Therein you ask that early action be taken in the case of S. P. Hicks, and in reply you are advised that there was filed with the Commission, on February 6, 1904, the protest of the attorneys for the Choctaw and Chickasaw nations, dated January 23, 1904, in which they request that no action be taken in this case until the decision of the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al. versus the Choctaw and Chickasaw nations in which said court will decide the question of citizenship rights by intermarriage of those white persons who intermarried with citizens by blood of the Choctaw nation not in accordance with tribal laws, which they say, is the question involved in this case.

Under the directions of the Secretary of the Interior of November 18, 1903, the Commission is estopped from taking further action in cases in which the attorneys for the nations have filed

protest requesting that action be postponed until decisions of the Chester and Chichester Citizenship Court in similar and analogous cases, until otherwise further directed by the Department.

It is, therefore, impracticable at this time to say when this case will receive consideration.

Respectfully,

Commissioner in charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 676

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1904.

S. P. Hicks,

Wister Junction, Indian Territory,

Dear Sir:

Your letter of February 2, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you ask relative to your enrollment as a citizen .

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation and on February 6, 1904, there was filedwith the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that no further action be taken in your case until the decision of the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al. versus the Choctaw and Chickasaw Nations, in which said court will decide the question of citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which, they state, is the question involved in your case.

S P H 2

Under the instructionsof the Secretary of the Interior of November 18, 1903, the Commission is estopped from taking further action in this case, protest having been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 676

Muskogee, Indian Territory, March 17, 1904.

S. P. Hicks,

Checotah, Indian Territory,

Dear Sir:

Your letter of February 28, 1904, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you ask if further evidence is necessary in your case, and request information relative to the status of your case.

In reply you are advised that on February 6, 1904, the attorneys for the Choctaw and Chickasaw nations filed a protest, dated January 23, 1904, in which they request that final decision in this case be postponed until final action of the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al. versus the Choctaw and Chickasaw nations, Number 64 on the South McAlester Docket of said Court.

No further information can be given than that contained in our letter of February 26, 1904, addressed to you at Wister Junction, Indian Territory.

Respectfully,

Choctaw D 676

Muskogee, Indian Territory, November 8, 1904.

S. P. Hicks,

Fanshawe, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 20, addressed to the Secretary of the Interior, which has been by him referred to the Commission for consideration and appropriate action. Therein you ask information relative to making application for allotment.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, and no selection of allotment can be made by you at this time. However, if the land on which you have improvements, which you desire to select in allotment, has been filed on, you will be permitted to make formal application therefor, upon your personal appearance at the land office for the nation in which the land is situated, for the purpose of instituting contest.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKSHIRE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
7-D-676

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 28, 1904.

Stephen Hicks,

Hughes, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, addressed to the Secretary of the Interior and by him referred to the Commission for consideration and appropriate action. Therein you request information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission has not up to this time passed upon your case, but as soon as a decision is reached therein you will be duly notified of the action taken.

Respectfully,

Commissioner in Charge.

7-B-676

Muskogee, Indian Territory, February 6, 1905.

S. P. Hicks,

Shawnee, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 19, 1905, addressed to the Secretary of the Interior which has been by him referred to the Commission for consideration and appropriate action. Therein you ask for an early decision in your case.

In reply to your letter you are advised that the Commission is now considering applications for the enrollment of intermarried citizens of the Choctaw Nation as rapidly as practicable, and as son as a decision is reached in this case you will be notified of the action taken therein.

You are requested to advise this office if you have a son Ulric Z. Hicks who was an applicant before the Choctaw and Chickasaw Citizenship Court for citizenship in the Choctaw Nation.

Respectfully,

Chairman.

7-D-676

Muskogee, Indian Territory, March 11, 1906.

S. P. Hicks,

Shawnee, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 15, 1906, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. Therein you refer to your right to enrollment as an intermarried citizen of the Choctaw Nation and you ask the present status of your case.

In reply to your letter you are informed that the Commission has not yet taken up for consideration and determination your application for enrollment as an intermarried citizen of the Choctaw Nation. It appears from our records that on February 8, 1906, a letter was addressed to him in reply to your communication of January 19, 1906, in which you were requested to advise this office if you had a son Ulrich S. Hicks who was an applicant before the Choctaw and Chickasaw Citizenship Court for citizenship in the Choctaw Nation and it does not appear that reply has been received to this letter.

Respectfully,

Chairman.

7--D--676.

Muskogee, Indian Territory, May 11,1905.

S. P. Hicks,

Monroe, Indian Territory.

Dear Sir:

Your letter of April 28, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. Therein you refer to your right to enrollment.

In reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but is now taking up for consideration as rapidly as possible all such applications and as soon as a decision is reached in your case you will be notified of the action taken therein.

Respectfully,

Chairman.

T-D-676

Muskogee, Indian Territory, August 24, 1905.

S. P. Hicks,

Kennedy, Indian Territory,

Dear Sir:

Your letter of August 12, 1905, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask an early decision in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that all application for enrollment in the Choctaw and Chickasaw Nations are being taken up for consideration as rapidily as possible and as soon as a decision is reached in your case you will be notified of the action taken.

Respectfully,

Commissioner.

Choctaw D 676

Muskogee, Indian Territory, October 4, 1905.

S. P. Hicks,

Kennedy, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18, addressed to the Secretary of the Interior, which was by him referred to this office for consideration and appropriate action. Therein you make inquiry as to your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that it appears from the record in your case that the Choctaw wife through whom you claim the right to enrollment as an intermarried citizen of the Choctaw Nation was a member of the family of Zora P. Lewis who was a party litigant before the Choctaw-Chickasaw Citizenship Court. You have been requested on several occasions to advise this office if you had a son named Ulric Hicks who was a claimant before the Citizenship Court but no reply has been received to this inquiry. Please furnish the information requested in order that the wife through whom you claim may be identified, if possible, upon the records of this office.

Respectfully,

Commissioner.

7-D-676

Muskogee, Indian Territory, October 17, 1905.

S. P. Hicks,

Cathay, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 12, 1905, stating that Ulric Hicks is your son and this information has been made a matter of record.

Respectfully,

Commissioner.

9-D-676

Muskogee, Indian Territory, December 30, 1905.

S. P. Hicks,

Cathay, Indian Territory,

Dear Sir:

Your letter of December 5, 1905, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you desire that your case be decided.

In reply to your letter you are advised that your application for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration, and when a decision is reached, you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-D-676

Muskogee, Indian Territory, April 3, 1906.

S.P. Hicks,

Cathay, Indian Territory.

Dear Sir:

Your letter of March 1, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask relative to your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that the same is still under consideration, but no decision has yet been reached therein. You will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

7-3-676

Muskogee, Indian Territory, April 18, 1906.

S. P. Hicks,

Cathay, Indian Territory.

Dear Sir:

Your letter of April 6, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to your application for enrollment as an intermarried citizen of the Choctaw Nation and request a speedy decision in your case.

In reply to your letter you are advised that no further information can be given you at this time than that contained in office letter of April 3, 1906. As soon as a decision is reached in your case you will be notified of the action taken therein.

The letter from this office inclosed with your communication is herewith returned.

Respectfully,

ED 7-18

Acting Commissioner.

T-D-676

Muskogee, Indian Territory, May 15, 1906.

S. P. Hicks,

Cathay, Indian Territory.

Dear Sir:

Your letter of May 1, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to your right to enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that on April 28, 1906, a decision was rendered refusing your application for enrollment as an intermarried citizen of the Choctaw Nation and on the same date the record in this case was forwarded the Secretary of the Interior. You will be notified of Departmental action in this case.

Respectfully,

Acting Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

July 6, 1906.

L.T.R. 11464-1906
D. C. 29154

LBM.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decision of April 28, 1906, denying the application of Stephen Pleasant Hicks for his enrollment as a citizen by intermarriage of the Choctaw Nation is hereby affirmed, in accordance with the recommendation of the Indian Office of June 26, 1906.

A copy of the Indian Office letter is inclosed.

Respectfully,
Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land
38838-1906.

June 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report dated April 28, 1906, from the Commissioner to the Five Civilized Tribes, transmitting the record relative to the application of Stephen Pleasant Hicks for enrollment as an intermarried citizen of the Choctaw Nation.

On April 28, 1906, the Commissioner held that the applicant was not entitled to enrollment. From the record in the case it appears that on July 15, 1873, the applicant married Mollie Priscilla Lewis, an alleged Choctaw Indian, who died in 1878. It does not appear from the record that the wife of the applicant was a recognized and enrolled citizen of the Choctaw Nation, or that she was admitted to citizenship therein by the tribal authorities. The applicant is a white man and he has never been admitted to citizenship by the tribal authorities, the Commission, or the court. Even if his wife were a citizen of the Choctaw Nation, which is not shown, he is not entitled to enrollment, as the marriage ceremony was not performed in accordance with the laws of the Choctaw Nation. He claims that at the time he married his wife, in 1873, it was

not necessary to obtain a license in order that citizenship might be conferred on him if his wife was a Choctaw citizen.

Section 2 of the Act of the Choctaw National Council approved in October, 1840, is as follows:

> That he (white men) shall be required to procure a license from some judge or the district clerk and be lawfully married by a minister of the gospel or some other authorized person before he shall be entitled and admitted to the privileges of citizenship.

It is very evident that the applicant's testimony is in error, as he was married in 1873 and the Choctaw laws have required white men intermarried with citizens of the nation since 1840, in order to gain citizenship to obtain a Choctaw marriage license. It is recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH

9-D-676

Muskogee, Indian Territory, July 19, 1906.

S. P. Hicks,

Cathay, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 3, 1906, and you are advised it is impracticable to ascertain from said letter the information desired by you. You appear to refer to a certain paper which has been lost in your case, and state that office letter of May 15, 1906, does not advise whether the same will be duplicated.

You are informed that office letter of May 15, 1906, merely advised you that on April 26, 1906, a decision was rendered refusing your application for enrollment as an intermarried citizen of the Choctaw Nation, and that on the same date the record in this case was forwarded to the Secretary of the Interior. You were further advised that you would be notified of Departmental action in this case.

Respectfully,

Commissioner.

Choctow D-677
Susan Morgan

D-677

Susan Morgan.

DECISION RENDERED. MAR 1 1906

RECEIVED

to a citizen by blood and intermarriage

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAR 1906

COPY OF DECISION FORWARDED
APPLICANT MAR 16 1906

RECORD FORWARDED DEPARTMENT.

NOV 1906

ACTION APPROVED BY
SECRETARY OF INTERIOR. NOV 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

DEC 1906

NOTICE OF DEPARTMENTAL
ACTION MAILED applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. November 9, 1901.

In the matter of the application of Susan Morgan for enrollment as an intermarried citizen of the Choctaw Nation.

Susan Morgan being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Susan Morgan.
Q What is your age? A 30 years old.
Q What is your post office address? A Ward is my post office.
Q Where is Ward? A It's in the Choctaw Nation.
Q How long have you resided in the Choctaw Nation? A Right years.
Q You have maintained a continous residence for eight years in the Choctaw Nation? A Yes sir.
Q Your purpose in appearing before the Commission at this time is to make application for enrollment of yourself as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q To whom are you married? A Mr. Wiley B. Morgan.
Q Is he a citizen by blood of the Choctaw Nation? A No sir.
Q He is a white man is he? A Yes sir.
Q Is he x recognized as an intermarried citizen of the Choctaw Nation? Do you know? A Yes sir.
Q To what county does he belong? A Sans Bois County.
Q Was he admitted to citizenship by a judgment of the United States Court? A Yes sir.

The records of the Commission examined and the name of Wiley B. Morgan, 73 years of age, of Garland, Indian Territory is found upon Choctaw roll card field number 2801. The records show that he was admittedas an intermarried citizen of the Choctaw Nation by the United States Court for the Central District of the Indian Territory at South McAlester, Indian Territory, August 25, 1897 in court case number 127.
The records further show that he was admitted as W. B. Morgan.

Q When were you married to Wiley B. Morgan? A April 28th, in '96.
Q Where? A At Garland, Indian Territory.
Q By whom were you married? A Will Garland.
Q Was he an official of the Choctaw Nation? A Yes sir.
Q What position did he occupy at that time? A He was county judge of Sans Bois County.
Q Were you married under a Choctaw license? A No sir I dont reckon; we were just married by a Choctaw judge.
Q Have you your marriage license or certificate? A Yes I have a certificate.
Q Do you wish to offer it in evidence? A Yes sir.

There is offered in evidence, filed and made part of the records in this case and marked "Exibit A" the following affidavit of W. G. Garland:

AFFIDAVIT.

"I, W. G. Garland do Solemly Swear that I did Solemnize the right of matrimonie between W. B. Morgan and Susie Wallice on t the 28th of April 1896 then being duly commissioned as county Judge of Sans Bois county Choctaw Nation Indian Territory.

W.G.Garland.

Sworn to and subscribed before me this 6th day of November 1901.

C. C. Jones,
Notary Public
(Seal) My Commission Expires February 8th, 1903."

There is also offered in evidence filed and made part of the records in this case and marked "Exhibit B" the affidavit of S. E. Wilson, a witness to the marriage of the applicant to W. B. Morgan, which is as follows:

"Affidavit -
I, S. E. Wilson
Do solemly Swear that on the 28th day of April 1896 I was present when W. B. Morgan and Susie Wallice was Married. By W. G. Garland then county Judge of Sans Bois County Choctaw Nation Ind. Tery.

S. E. Wilson

Sworn to and Subscribed before me this 5th day of November 1901.

C. C. Jones
Notary Public.
(Seal) My Commission Expires February 8th 1903"

Q Have you a certified copy of the judgment admitting W. B. Morgan to citizenship in the Choctaw Nation by the United States Court? A Yes sir.
Q Do you desire to offer it in evidence? A Yes sir.

There is offered in evidence, filed and made part of the records in this case and marked "Exhibit C" a certified copy of the judgment of the United States Court for the Central District of the Indian Territory admitting to citizenship as an intermarried citizen of the Choctaw Nation W. B. Morgan.

Q What is the name of your father? A W. G. Long
Q Is he living or dead? A He's living.
Q What is the name of your mother? A Lettie Long.
Q Is she living or dead? A She's dead.
Q Did either your father or mother ever claim citizenship in any of the tribes in Indian Territory? A Well my father claims Choctaw blood but he never tried to make application before the Commission.
Q Your father then claims to be a Choctaw Indian by blood? A Yes sir.
Q Has he ever made application for enrollment to this Commission? A I dont think he ever has; I am not certain but I dont think that he ever has.

The records of the Commission examined and it does not appear that W. G. Long ever made application for enrollment as a citizen by blood of the Choctaw Nation.

Q Do you know whether he ever made application for admission as a

a citizen by blood of the Choctaw Nation to the legally constituted authorities of the Choctaw Nation? A He went to the council.
Q What time did he go to the Council? A It was in 94 I think.
Q Did he at that time make application for admission to citizenship in the Choctaw Nation as a citizen by blood? A He did'nt go to the council I dont reckon; he went to the Judge - not the judge but the chief of the Choctaw Nation. Thats where he went- Green McCurtain.

The records of the Choctaw Nation now in the possession of the Commission examined and the name of W. G. Long is not found thereon.

Q He never made application to the Choctaw council that you know of? A No sir.
Q Do you know why he did not make application? A Because he could'nt make the proof that they desired him to make.
Q Was your father ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court? A No sir.

The court records in the possession of the Commission examined and it does not appear that W. G. Long was ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court.

Q Did your mother claim to be a Choctaw Indian? A No sir.
Q She was a white woman? A Yes sir.
Q You were married to Mr. Morgan in 1896? A Yes sir.
Q Do you know when he made application for enrollment before this Commission? A For himself?
Q Yes. A Well the first application he ever made was in '96., September '96.
Q Did he make any application for your enrollment? A No sir.
Q Do you know why he did'nt make any application for your enrollment when he applied for his own admission? A Well he said that his attorney instructed him not to at that time.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you at your present post office address as given in your testimony.

Clara Mitchell Wood being first duly sworn on her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of November 1901a and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this the 9th day of November 1901.

J R Dodson
Notary Public.

(Copy)

-7-D-677-

AFFIDAVIT.

I, S. E. WILSON, do solemnly swear that on the 28th day of April, 1896, I was present when W. B. Morgan and Susie Wallice was married by W. G. Garland, then County Judge of Sans Bois County, Choctaw Nation, Ind. Ter.

(signed) S. E. WILSON.

Sworn to and subscribed before me this 5th day of November, 1901.

(signed) C. C. JONES,
Notary Public.

My Commission expires February 8th, 1903.

(SEAL)

(Copy)

-7-D-677-

AFFIDAVIT.

I, W. G. Garland, do solemnly swear that I did solemnize the rite of matrimony between W. B. Morgan and Susie Wallice on the 28th of April, 1898, them being duly commissioned as County Judge of Sans Bois County, Choctaw Nation, Indian Territory.

(signed) W. G. GARLAND.

Sworn to and subscribed before me this sixth day of November, 1901.

(signed) C. C. JONES,
Notary Public.

My Commission expires February 8th, 1903.

(SEAL)

(Copy)

-7-D-677-

Form No. 303.

UNITED STATES OF AMERICA,
Indian Territory, } ss.
Central District

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 25th day of August, 1897. Present: the Honorable Wm.H.H.Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

W.B.MORGAN,
vs.
CHOCTAW NATION.

Now on this 25th day of August, 1897, this cause coming on to be heard by the court, upon the pleadings and the evidence produced, and the claimant appearing by his attorney, P.D.Brewer, and the Nation appearing by its attorneys, Stuart, Gordon & Hailey, and both parties announcing ready for trial, the court proceded to hear the said cause, and being well and sufficiently advised in the premises doth find that the claimant, W.B.Morgan, was married to a woman of Choctaw blood, in compliance with the laws of the Choctaw Nation, and is therefore, entitled to enrollment as a citizen and member of the Choctaw tribe of Indians, by intermarriage.

Therefore, it is ordered, decreed and adjudged by the court that the said W.B.Morgan is a citizen and member of the Choctaw tribe of Indians, by intermarriage, and as such is entitled to all the rights, privileges, benefits and immunities of other intermarried Choctaw citizens, and said rights and privileges are hereby decreed to him, and it is further ordered and adjudged that the United States Commission to the Five Civilized Tribes of Indians shall place his name on the roll now prepared or to be prepared by them, as a citizen and member of the said Choctaw tribe of Indians, by intermarriage.

It is further ordered that the Clerk of this Court shall transmit to said Commission under his official hand and seal a certified copy of this judgment and the same shall operate and be a mandate to said Commission.

It is further ordered that claimant shall have and recover of the Choctaw Nation all his costs in this behalf.

United States of America,
Indian Territory,
Central District.

ss.

I, E. J. Parmin,
Clerk of the District Court
of the United States for the
Central District of the In-
dian Territory, do hereby
certify the foregoing to be a true copy of an order made by said court on the 25th day of August, 1897, as appears from the records of said Court now on file in my office.

In testimony whereof, I have hereunto set my hand, at my office in So. McAlester, in said District, this 29th day of October, 1901.

E. J. PARMIN, Clerk.
By J.M.DODGE, Deputy.

(SEAL)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 9 1901

7-D-677.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Morgan as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on November 9, 1901, Susan Morgan appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Inasmuch as it is alleged that said applicant is a Choctaw by blood, her rights as a citizen by blood of the Choctaw Nation will also be determined.

It further appears from the record herein that said applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage on April 28, 1896, to Wiley B. Morgan, a white man.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Wiley B. Morgan vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, Case No. 360), the applicant's husband, Wiley B. Morgan, made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, and on December 2, 1896, the said Wiley B. Morgan was by the Commission to the Five Civilized Tribes admitted to citizenship in the Choctaw Nation as a citizen by intermarriage. From this decision of the Commission, an appeal was taken by the Choctaw Nation to the United States Court for the Central District of the Indian Territory, which court in the case entitled "Wiley B. Morgan vs. Choctaw Nation" (Citizenship Case No. 127) affirmed the decision of the Commission admitting Wiley B. Morgan as an intermarried citizen of the Choctaw Nation.

It further appears from the records in possession of this office that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), " set aside, annulled, vacated, and held for naught", the aforesaid judgment of the United States Court for the Central District of the Indian Territory. Said case has not been appealed or certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said Act of Congress approved July 1, 1902.

Thereafter, on September 20, 1904, an order was entered of record by the Commission to the Five Civilized Tribes dismissing the application for the enrollment of Wiley B. Morgan as a citizen by intermarriage of the Choctaw Nation in accordance with the opinion of the Acting Attorney General, dated May 9, 1904; (I.T.D. 3824-1904) and the opinion of the Assistant Attorney Gen-

eral for the Department of the Interior, dated July 30, 1904 (I. T.D. 2044-1904).

The evidence herein further shows that the applicant, Susan Morgan, was born about the year 1871, and is the daughter of W. G. Long, an alleged Choctaw Indian, and Lottie Long, a Non-citizen white woman.

It further appears from the evidence submitted in support of said application and from the records in possession of this office that said applicant or her father, W. G. Long, has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321).

I am, therefore, of the opinion that in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of January 28, 1903 (I.T.D. 11502-1904), in the Choctaw enrollment case of Emma Hathcomin, the application made for the enrollment of Susan Morgan as a citizen by intermarriage of the Choctaw Nation, should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

I am further of the opinion that the application made for the enrollment of Susan Morgan as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

MAR 16 1906

7-D-677

COPY.

Muskogee, Indian Territory, March 16, 1906.

Susan Morgan,

Ward, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for your enrollment as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner

Registered.

Incl. 7-D-677.

7-D-677

Muskogee, Indian Territory, March 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of Susan Morgan as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Acting Commissioner.

Incl. 7-D-677.

OPM

Muskogee, Indian Territory, March 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Susan Morgan as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 16, 1906, denying said applications.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

1 Incl. 7-D-677.

Through the
Commissioner of Indian Affairs.

CRW

D. C. 52109.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

November 24, 1906.

I.T.D.21438-1906.

L. R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 16, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Susan Morgan as a citizen of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting October 25, 1906 (Land 24839), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

Land.
24839-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit a report from the Commissioner to the Five Civilized Tribes, dated March 16, 1906, transmitting the record relative to the application of Susan Morgan for enrollment as a citizen of the Choctaw Nation.

On November 29, 1901, Susan Morgan applied for enrollment as a citizen by intermarriage at Muskogee, Indian Territory. The applicantalso alleged that she was a citizen by blood.

On March 16, 1906, the Commissioner denied the application of Susan Morgan for enrollment as a citizen by blood and as a citizen by intermarriage of the Choctaw Nation.

The record in the case shows that the applicant was married on April 28, 1906, to Wiley B. Martin, a white man. The record further shows that on September 9, 1896, in the case entitled, Wiley B. Martin, vs. the Choctaw Nation (1896 Choctaw Citizenship Docket Case No. 360) the applicant's husband, Wiley B. Martin, made original application to the Commission to the Five Civilized Tribes under

the provisions of the Act of Congress approved June 10, 1896, (29 Stats. 321) for the admission to citizenship in the Choctaw Nation and on December 2, 1896, he was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage. An appeal was taken to the U. S. Court for the Central District of Indian Territory, which Court in the case entitled Wiley B. Martin, vs. the Choctaw Nation, (Choctaw Citizenship Case No. 1[illegible]7) affirmed the decision of the Commission, admitting Wiley B. Martin as an intermarried citizen.

On December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress Approved July 1, 1902, (32 Stats., 641) "set aside annulled, vacated and held for naught" the Judgment of the U. S. Court for the Central District of Indian Territory, and this case had not been appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of the Act of Congress approved July 1, 1902.

On September 20, 1904, an order was entered of record by the Commission dismissing the application for the enrollment of Wiley B. Martin as a citizen by intermarriage of the Choctaw Nation in accordance with the opinion of the Acting Attorney-General, dated May 9, 1904, (I. T. D. 38[illegible]4-1904) and the opinion of the Assistant Attorney-General, dated July 30, 1904, (I. T. D. 52[illegible]-1904).

The record shows that the applicant, Susan Morgan was born about the year 1871 and is the daughter of W. G. Long, an alleged

Choctaw Indian, and Lettie Long, a non-citizen white woman. It further appears that neither the applicant nor her father, W. C. Long, have ever been enrolled by the Choctaw tribal authorities or admitted to Cho ctaw citizenship by a duly constituted court, or committee of the Choctaw Nation, or by the Commission or by a decree of the U. S. Court in the Indian Territory, under the provisions of the Act of Congress approved June 10, 1906, (29 Stats., 321).

The applicant is shown not to be entitled to enrollment as a citizen by blood by reason of the facts set out herein, and her application for enrollment as a citizen by intermarriage comes within the rule laid down in the case of Emma McMenamin by departmental letter of January 28, 1905, (I.T.D. 11582-1904) in which it is held that a citizenship by intermarriage cannot be secured by marriage to an intermarried citizen.

I therefore recommend the approval of the decision of the Commissioner.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-BHG.

7-D-677

Muskogee, Indian Territory, December 10, 1906.

Susan Morgan,

Ward, Indian Territory,

Dear Madam:

You are hereby advised that on November 24, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for your enrollment as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-677

Muskogee, Indian Territory, December 10, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 24, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Susan Morgan as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Wrighter

Susan Morgan,
Ward, Indian Territory.

2907

MAR 23 1906

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

No
18
18

Return to Wrighter

This party has moved to some place in Arizona. Can not find her post office from any one

7-8677

MUSKO
APR 24 1906
REG. DIV.

Mollie Daggs.

Record transferred to

CHOCTAW. # 2776

Choctaw D-679

James H. Hunter

D-679

CHOCTAW D 670

James H. Hunter.

DECISION RENDERED. FEB

REFUSED

COPY OF DECISION FORWARDED

APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. FEB

RECORD FORWARDED DEPARTMENT.
FEB 1905

Husband of Jor Willi Clover: refused enrollment under act of May 31, 1900: See Choctaw 7-M. 38

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN - 9 190

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, Nov.7, 1901.

In the Matter of the Application for enrollment as a citizen by intermarriage of the Choctaw Nation, of James H. Hunter.

James H. Hunter being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Bixby:

Q What is your name? A James H. Hunter.
Q What is your postoffice address? A Goodwater, Indian Territory.
Q How old are you? A 25 years.
Q Is your purpose in appearing before this Commission to make application for enrollment as a citizen by intermarriage of the Choctaw Nation?
A Yes sir.
Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q To whom are you married? A Jos Willie Clover.
Q When were you married? A On the 15th of July, 1900.
Q Where were you married? A Goodwater, Indian Territory.
Q Under what law were you married? A Choctaw law.
Q Did you procure a Choctaw license? A Yes sir.
Q Have you the license with you? A Yes sir.

License offered in evidence, marked Exhibit A., and made a part of this record. License reads as follows: "Choctaw Nation, Red River County. To any Ordained Minister of the Gospel or Judge of a Court of Record: This certifies that Mr. J. H. Hunter, a citizen of the U. S., has filed a petition in the Clerk's office, recommended by ten citizen signers, proposing to marry Miss Jo Willie Clover, a citizen of the Choctaw Nation. And now therefore, by virtue of the authority in me vested by the laws of said Nation, have caused this license to be issued, and that the said Mr. J. H. Hunter, a citizen of the United States, having taken the oath of allegiance, is entitled to all rights, privileges and immunities as guaranteed to citizens by blood. Witness my hand and seal this 15th day of July, A. D., 1900. Sidney J. Herndon, County Clerk Red River County, C. N."

Q Who issued this license to you? A Sidney J. Herndon.
Q Is he an official of the Choctaw Nation? A Yes sir.
Q What position does he hold? A County Clerk of Red River County.
Q What fee did you pay for this license? A $100.
Q Who married you? AM. J. Brown
Q Is he a minister of the gospel? or an official of the Choctaw Nation?
A He is an official of the Choctaw Nation.
Q What position did he hold? A Judge.
Q Have you your marriage certificate with you? A Yes sir.

Certificate offered in evidence, marked Exhibit B. and made a part of this record. Certificate reads as follows: "Choctaw Nation, Red River County, July 15th, 1900 This is to certify that I have this day united in the holy bonds of matrimony Mr. J. H. Hunter, a citizen of the United States, and Miss Jo Willie Clover, a citizen of the Choctaw Nation, according to the laws of the Choctaw Nation. Given under my hand this the 15th

daybof July, A. D.,1900. M. J. Brown, County and Prob. Judge, Red River Co., C. N." Endorsed:"Filed in my office for record and recorded on page 38 in record book No. 2. Given under my hand and seal of office this the 26th day of July, A. D., 1900. Sidney J. Herndon, Clerk of Red River Co., C. N." (SEAL.)

Q Is the party when you married a citizen of the Choctaw Nation? A I couldn't tell you whether she is or not--whether she is on the Indian roll or not.

Q What reason have you for believing that she is a citizen of the Choctaw Nation? A Just by the Choctaws that's in that country.

Q You don't know her to be a citizen? Of your own knowledge do you know whether she has ever been recognized by the Choctaw tribal authorities or not? A No, I don't know.

Q Do you know whether or not she ever drew any Choctaw monies? A No sir.

Q Do you know whether or not she ever drew Choctaw leased district money?

A No sir.

Q Do you know whether Joe Willie Clever ever made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation?

A Her father did.

Q When her father made application for himself, did he also make application for Joe Willie Clever? A I think not.

Q When did he apply for Joe Willie Clever? A In 1900, I believe.

Q When did her father first make application? A I can't tell you.

Q Do you know whether or not her father was successful in his application before the Commission for citizenship? A I don't know only just what I heard.

Upon examination of the records ~~thappenxx~~ of the Commission it appears that Robert L. Clever, in 1896, under the act of Congress of June 10, 1896, made application to this Commission for citizenship in the Choctaw Nation, the original application having been filed September 5, 1896, and answer of the Choctaw nation was filed thereto; and that upon December 3, 1896, the Commission admitted the applicant to citizenship in the Choctaw Nation. There is no record of an appeal having been taken by the Choctaw nation, and the judgment of the Commission thereupon became final. (See'96 Citizenship Docket C, page 321, Choctaw Nation, No. 725.

The records of the Commission being examined it also appears that upon September 28, 1900, Robert L. Clever made application for the enrollment as citizens by blood of the Choctaw Nation of Joe Willie Clever, Earnest Clever, Thomas Lucious Clever and Lugia Bell Clever. At the time of this application, examination of the records of the Commission disclosed the fact that the names of the above parties ~~xxxxxxx~~ included in the application made by Robert L. Clever for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, filed September 5, 1896.

An examination of the tribal rolls of the Choctaw Nation, in possession of the Commission, discloses the fact that the names of none of the applicants are found thereon

An examination of the records in possession of the Commission of parties admitted to citizenship by a judgment of the United States Court in Indian Territory also discloses the fact that the names of none of the applicants named above appear thereon.

A further examination of the records also discloses the fact that a decision of the Commission was rendered in the matter

of the application for enrollment of Joe Willis Glover of all refusing said application on the 20th day of November, 1900.

It appears from the records of the Commission that said decision was submitted to the Secretary of the Interior, in due course on December 3, 1900, and that the Honorable Thomas Ryan, Acting Secretary, at a later date, June 18, 1901, confirmed said decision as being in accordance with the law and the facts, and directed the Commission to so advise the parties in interest.

Q Have you any other testimony that you wish to offer? A No sir.
You will be furnished in the near future, with a copy of the decision of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw nation, stating fully therein the reasons for such action as the Commission may take in the premises.

Frances R. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of November, 1901, and that the above and foregoing is full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me at Muskogee, Indian Territory, this 8th day of November, 1901.

Acting Chairman.

Nov 21 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 7 1901.

(Copy)

-7-D-679-

Choctaw Nation,
Red River County.

To any ordained Minister of the Gospel or Judge of a Court of record:

THIS CERTIFIES that

MR. J. H. HUNTER,

a citizen of the U. S., has filed a petition in the Clerk's office, recommended by ten citizen signers, proposing to marry

MISS JO WILLIE CLOVER,

a citizen of the Choctaw Nation. And now, therefore, by virtue of the authority in me vested by the laws of said Nation, have caused this license to be issued, and that the said Mr. J. H. Hunter, a citizen of the U. S., having taken the oath of allegiance, is entitled to all rights, privileges and immunities as guaranteed to citizens by blood.

Witness my hand and seal this 12th day of July, A.D. 1900.

(signed) SIDNEY J. HERNDON,
County Clerk Red River County, C. N.

(SEAL) July 15th, 1900.

Choctaw Nation,
Red River County.

This is to certify that I have this day united in the holy bonds of matrimony, Mr. J. H. Hunter, a citizen of the United States, and Miss Jo Willie Clover, a citizen of the Choctaw Nation, according to the laws of the Choctaw Nation.

Given under my hand this the 15th day of July, A. D. 1900.

(signed) M. J. BROWN,
County & Prob. Judge, Red River Co., C. N.

Filed in my office for record and recorded on page 55 in record Book No. 5. Given under my hand and seal of office this the 25th day of July, A.D. 1900. (signed) Sidney J. Herndon, Clerk of Red River County, C. N.

(SEAL) (seal)

AMB
D66

7-D-679.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of James H. Hunter for enrollment as a citizen by intermarriage of the Choctaw Nation.

--oOo--

-:D E C I S I O N:-

--oOo--

It appears from the record herein that on November 7, 1901, the applicant, James H. Hunter, appeared before this Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by virtue of his marriage to Joe Willie Clover.

It appears from the records of the Commission that on September 28, 1900, Robert L. Clover, the father of the said Joe Willie Clover, appeared before this Commission and made application for the enrollment of the said Joe Willie Clover as a citizen by blood of the Choctaw Nation; that on November 20, 1900, the Commission rendered its decision therein denying said application, stating that the said Joe Willie Clover had never been enrolled by the tribal authorities of the Choctaw Nation, that her name did not appear upon any of the tribal rolls, and that she had never been admitted to citizenship in said Nation by this Commission or by the legally constituted authorities of said Nation; and under the provisions of the act of Congress approved May 31, 1900, the Commission refused the application of Robert L. Clover for the enrollment of Joe Willie Clover, which decision was affirmed by the Department in its letter of June 18, 1901, (I.T.D. 1803-1901).

It further appears from the records of the Commission that on March 23, 1903, Joe Willie Hunter, formerly Joe Willie Clover, the wife of the applicant herein, made application to this Commission for identification as a Mississippi Choctaw under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

and that thereafter the said Joe Willie Hunter was duly identified

by this Commission as a Mississippi Choctaw, and her name appears as number 2063 upon the lists prepared by this Commission under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to identification as Mississippi Choctaws, and approved by the Secretary of the Interior May 2, 1904; and that thereafter the said Jee Willis Hunter duly selected an allotment of land as a Mississippi Choctaw.

It is the opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage.

It is further the opinion of the Commission that the application of James H. Hunter for enrollment as a citizen by intermarriage of the Choctaw Nation should be refused under the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

FEB 6 - 1905

Choctaw D 679

COPY.

Muskogee, Indian Territory, February 6, 1905.

James H. Hunter,

Goodwater, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 6, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-679

Choctaw D 679

COPY.

Muskogee, Indian Territory, February 6, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered February 6, 1905, denying the application for the enrollment of James H. Hunter as a citizen by intermarriage, of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Incl. 7-D-679.

COPY.

Muskogee, Indian Territory, February 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of James H. Hunter as a citizen by intermarriage of the Choctaw Nation, also for identification as a Mississippi Choctaw, including the decision of the Commission dated February 6, 1905, denying said application.

Respectfully,

SIGNED,

Tams Bixby

Chairman.

2 Incl. 7-D-679.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land,
11500-1905.

WASHINGTON, March 7, 1905.

The Honorable,

COPY.

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes dated February 6, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by James H. Hunter.

Without date, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by reason of his marriage to Joe Willie Clover and that on November 20, 1900, the Commission rejected the application of Joe Willie Clover for enrollment as a citizen by blood of the Choctaw Nation which decision was affirmed by the Department June 18, 1901.

It further appears that on March 23, 1903, Joe Willie Hunter formerly Joe Willie Clover and wife of the applicant herein, made application for identification as a Mississippi Choctaw and her name is found at No. 2053 of a list of Mississippi Choctaws approved by the Department May 2, 1904.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,
C. F. Larrabee,
Acting Commissioner.

M.M.M.(W)

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

G.R.
LJB

June 9, 1905.

D.C. 29683-1905.
I.T.D. 2308-1905.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

COPY.

Gentlemen:

February 6, 1905, you transmitted the record of the application of James H . Hunter for his enrollment as an intermarried citizen of the Choctaw Nation, including your decision, without date, denying said application.

March 7, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision denying the application of James H. Hunter for his enrollment as an intermarried citizen of the Choctaw Nation is hereby affirmed.

Respectfully,

(signed) E. A. Hitchcock,
Secretary.

1 inclosure.

7-B-879

Muskogee, Indian Territory, June 16, 1905.

COPY.

James H. Hunter,

Goodwater, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 9, 1905, affirmed the decision of this Commission, dated February 6, 1905, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation, and also your identification as a Mississippi Choctaw.

Respectfully,

SIGNED Tams Bixby

Chairman.

7-D-679

Muskogee, Indian Territory, June 16, 1905.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of June 9, 1905, affirmed the decision of this Commission, dated February 6, 1905, denying the application for the enrollment of James H. Hunter as a citizen by intermarriage of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

Respectfully,

SIGNED Tams Bixby
Chairman.

CHOCTAW

Maggie Spain

Record transferred to

CHOCTAW. #5840.

Choctaw D-681
Sarah Alcorn

D-681

CHOCTAW D 681

Sarah Alcorn.

DECISION RENDERED DEC 29 1905

REFUSED DEC 29 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS
1905

COPY OF DECISION FORWARDED
APPLICANT DEC 29 1905

RECORD FORWARDED DEPARTMENT
29 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR
FEB 17 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS
1906

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
1906

Commission to the Five Civilized Tribes,

South McAlester, Ind Ter.

In the application of Sarah Alcorn for enrollment as a Choctaw being sworn and examined by Com'r McKennon she states:

Q What is your name? A Sarah Alcorn.

Q How old are you? A Fifty-four.

Q You are not on the Choctaw rolls, and never have been?

A No sir.

Q Were your father and mother on the Choctaw rolls in the Choctaw nation? A I guess my father was.

Q Where did he die? A In Texas.

Q When? A About fifteen years ago.

Q How long had he been living in Texas? A I reckon it was 1853 when he came there from Tennessee, and lived there until he died.

Q Where are you living now? A I have lived in the Chickasaw ever since I was married until the last two years, and I live just across the South Canadian.

Q How long have you been living in the Territory, Choctaw and Chickasaw country? A About fifteen years.

Q Have never been recognized before? A Never tried it before.

(Apparently white.)

Sarah Alcorn, re-called, states:

Q Did you make application to the Dawes Commission in 1896?

A My folks did.

Q For you? A Yes sir.

Q Were you denied? A I think so.

Q Wasn't this man Lamar Green included in it too? A I think so

---- ----

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as Stenographer of the Dawes Commission, that this transcript is a true and correct translation of my stenographic notes.

M B Green

7-B-621.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the census card record in this case that during a session of the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, beginning September 4, 1899, and ending September 13, 1899, Sarah Alcorn appeared before said Commission and made application for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the evidence submitted in support of this application, and from the records in the possession of this office, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to citizenship in the Choctaw Nation by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am therefore of the opinion that the application made for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC 29 1905

7-D-681.

Muskogee, Indian Territory, December 29, 1905.

Sarah Alcorn,

Canadian, Indian Territory.

Dear Madam:

Inclosed herewith you will finda copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-681.

7-D-681.

Muskogee, Indian Territory, December 29, 1905.

Pr.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying the application for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. 7-D-681.

Muskogee, Indian Territory, December 29, 1905.

Com.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, denying said application.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

2 Incl. 7-D-681.

Through the
Commissioner of Indian Affairs.

D.O.6954-1906
I.T.D.2536-1906

G.R.
LLB
LRB

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 17,1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record in the matter of the application for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 29, 1905, is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,
First Assistant Secretary.

1 inclosure

Refer in reply
to the following:
Land
128-1906

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation by Sarah Alcorn.

December 29, 1905, the Commissioner decided adversely to the applicant.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM-C

7-D-681.

Muskogee, Indian Territory, March 3, 1906.

COPY.

Sarah Alcorn,

Canadian, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of February 17, 1906, affirmed the decision of this offic dated December 29, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED:

Wm. O. Beall.
Acting Commissioner.

7-D-681

Muskogee, Indian Territory, March 3, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 17, 1906, affirmed the decision of this office, dated December 29, 1905, denying the application for the enrollment of Sarah Alcorn as a citizen by blood of the Choctaw Nation.

Respectfully,

Wm. O. Beall.
Acting Commissioner.

...ent of the Interior.
...to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Reg # 12/12

Recalled for Dis 12

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FILED
FEB 5 - 1906
COMMISSIONER

DEPARTMENT OF THE INTERIOR
WASHINGTON
1905
REGISTERED

PENALTY FOR PRIVATE USE

Sarah Alcorn
Canadian, Indian Territory.

1194

MUSKOGEE, I. T.
FEB
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1906
REGISTERED.

Choctaw D-682
William Black

D-682

William Black.

DISMISSED
FEB 11 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage.OF THE CHOCTAW NATION.....OF....

WILLIAM BLACK.....7-D-682.

Commission to the Five Civilized Tribes,

Tushkahomma, Indian Territory.

October 11, 1899.

In the enrollment of William Black as intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A William Black.

Q How old are you? A Forty-two.

Q You are a white man? A Yes sir.

Q You are married to a Choctaw woman? A Yes sir.

Q When? A In the spring of 1883.

Q Is she living? A Yes sir.

Q You still living with her? A No sir. She is living with her mother; she is insane, they have to keep her in the house.

Q How long has she been insane? A About eight years.

Q Have you supported her during that time? A I helped to, yes sir.

Q You are still helping to support her? A Yes sir.

Q You are not divorced from her? A No sir.

Q You go and look after her? A Yes sir, I go every once in a while.

Q Where does her mother live? A About four miles south of Atoka.

Q What's her mother's name? A Mary Ann Brown.

Q What was your wife's name? A Joanna Cooper was her name when I married her.

Q She had been married before you married her? A No sir.

Q Have you any children by her? A Yes sir.

Q How many? A Five.

Q Have they been enrolled? A Yes sir.

Q How much did you contribute to her support? A I don't know as I could hardly tell; whatever is right; I furnish all I am able; I am a poor man you know.

William Black #2)

Q How much have you furnished them this year for her support?

A I haven't furnished a great deal; I have not one hundred bushel of corn to let them have; I have not furnished any this year.

Q Did you furnish anything last year? A Yes sir.

Q How much? A I let them have thirty dollars, and I bought their winter clothes in the fall.

Q You mean the children or your wife? A All of them.

Q Where are the children, are they living with her? A Yes sir, they are all living with the old lady , I of course couldn't keep house with them, they are small.

Com'r McKennon: If you can have your wife's mother appear before us and make a statement about this matter, it would be well.

Q Choc Com'r Lewis: How long since you lived with your wife?

A It has been about eight years.

Questioned by Judge Chackelford:

Q Did you make application to the Dawes Commission in 1896?

A No sir.

Q Anybody make it for you? A No sir.

Q Why didn't you make it at Atoka when the commission was there?

A I was away.

Examined by Choc Com'r Lewis:

Q You haven't been in the Territory for several years have you?

A Yes sir, I have been here nearly all the time.

Q You have been out of the Territory a considerable portion of the time haven't you? A No sir, not more than two or three weeks at a time.

Examined by Com'r McKennon:

Q How long have you been living in the Territory? A Ever since 1881.

Have you been living here all that time? A Yes sir.

Q This has been your home? A Yes sir, my home has been in

William Black #8)

Atoka County all the time.

(Certified transcript of the record of the license to be furnished; also certificate of marriage.)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W M Dickerson

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the application of William Black for enrollment as an intermarried Choctaw; ~~being~~ Mary Ann Brown being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A Mary Ann Brown.

Q How old are you? A Fifty-eight.

Examin d by A.Telle:

Q Do you know William Black? A Yes sir.

Q Where is William Black now? A I don't know wheshy he is .

Q Was William Black marri ed to your daughter? A Yes sir.

Q When? A I cannot tell exactly when.

Q About how many years ago? A About sixteen years I guess.

Q What was the daughter's name that he married? A Joanna.

Q How long did he live with her? A About five or six years I reckon.

Q Did he have any children by her? A Yes sir, they had four children.

Q Where is Joanna Bl ack and these children now? A At my house.

Q How long have they been at your house? A About eight years I reckon.

Q I will ask you what is Joanna's condition as to her mind, is she of good mind? A No sir, she ain't got no mind at all.

Q She is just in a manner crazy ain't she? A Yes sir.

Q You say Joanna and her children have been at your house for the last eight years? A Yes sir.

Q During that time has William Black been there? A Sometimes he passed along th re, he has never lived there.

Q Has he furnished any support to that wife and children?

A No sirs

Q Who has been supporting that family? A I have been sup-

porting the children.

Q And the wife as well? A Yes sir.

Q You are a Choctaw by blood are you not? A Yes sir.

Q How long is the longest that he staid at one time with his family since they came to your house? A He has never staid there, maybe he staid about a day or two.

Q Not longer than a day or two at any time? A No.

Q How often would he come there? A Sometimes about two or three years he would come.

Q Where has he been all the time? A I don't know; I wouldn't know where he was gone until he would appear again.

Q When he is in the neighborhood where does he stay? A Down there where they used to live.

Examined by Com'r McKennon:

Q When he was gone so long where did he tell you he had been?

A I don't know; he didn't tell me anything about it.

Examined by A.Telle:

Q Has he taken up with any other woman? A I don't know sir.

Q He has never been divorced from Joanna has he? A No sir, not that I know of.

Q Who does he live with when he stops at the old place? A Marlin Clayborn.

Q And you say you don't know where he is now? A I don't know.

Q When was the last time you saw him? A The time he went to Tushkahomma and back he come there.

Q Did he stop at your house then? A Yes sir.

Examined by Com'r McKennon:

Q How long did he stop? A He staid all night, and went on the next day.

Examined by A.Telle:

Q Did he give you any money then for the support of his wife and children? A No sir.

William Black- Mary Ann Brown witness #3)

Q How much has he ever put up for the support of his wife and children since ~~xxxx xxxx~~ they came to your house, about how many dollars, if any at all? A He hasn't give me mary dollar for the support of the children.

Examined by Com'r McKennon:

Q Did he furnish them any clothing, his wife or children, since they came to your house? A Give them one suit of clothes is all, and that has been about two years ago.

Q Did he ever give them anything else besides that? A Nosir,

Examined by Choc Com'r Lewis:

Q Ever give them any corn or anything like that? A Nosir, never give us any corn nor flour at all.

--- --- --- ---

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the above and foregoing is a true official record as taken by me as stenographer before the above named Commission, and that this transcript is a true and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chocktaw-D-682

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1903.

William Black,

Atoka, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Opena by Miss Cle
for Walter Black.

William Black,

Atoka, Indian Territory.

Department of the Interior.

RETURN TO WRITER IF UNCLAIMED

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COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D 682

Muskogee, Indian Territory, February 10, 1904.

William Black,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes,
First Division, Atoka, I. T.
3 PM
Penalty for private use, $300.

MUSKOGEE
MAY 1 1
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1906
IND. T.

Opened by mistake by
Willie Black

William Brock,
Atoka, Indian Territory.

Removed

ATOKA
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IND. T.

Advising that no further action will be taken in the enrollment until further advised by the Secretary of the Interior.

General Office Choctaw Div.

HD 687

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7 AM
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REC'D

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Black as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-682.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Maynard Murray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Chest[illegible]

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FEB [illegible]

CHAIRMAN

Tr.ess

Muskogee, Indian Territory, November 9, 1905.

Mary A. Brown,

Atoka, Indian Territory.

Dear Madam:

On December 6, 1899, William Black appeared before the Commission to the Five Civilized Tribes, at Atoka, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Frequent letters addressed to him at his last known post office address, at Atoka, Indian Territory, have been returned unclaimed. Inasmuch as the records of this office show that his children are making their home with you at this time, you doubtless know of his present whereabouts and if so kindly notify this office of same at your earliest convenience.

An envelope for reply is herewith enclosed.

Respectfully,

Commissioner.

Env.

Atoka I. T. 12/15/08

Commission to the Five Civilized Tribes

Sirs

in reply to letter inquiring William Blacks address or whereabouts, will say I have not seen or heard of him since date mentioned in your letter.

Yours truly

Mary Ann Brown.

7-D-682
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Black as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the record herein that on October 11, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of William Black as a citizen by intermarriage of the Choctaw Nation.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of residents of the Choctaw and Chickasaw Indians of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of William Black as a citizen by intermarriage of the Choctaw Nation, should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
FEB 11 1907

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Atoka, Indian Territory, February 20, 1907.

In the matter of the application for the enrollment of William Black as a citizen by inter-marriage of the Choctaw Nation.

Ida M. Banks, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Ida M. Banks.
Q How old are you? A Thirty.
Q What is your postoffice address? A Atoka.
Q Are you personally acquainted with William Black? A Yes, sir.
Q How long have you known him? A About twenty-five years.
Q Was he married when you first knew him? A No, sir, he came here to the place and hired to my father and worked here a couple of years and then married my sister.
Q What is the name of your sister when he married? A Joanna.
Q What was her last name when he married her? A Cooper.
Q Had your sister ever been married to any one else prior to her marriage to William Black? A No, sir.
Q That was her maiden name; Joanna Cooper, was it? A Yes, sir.
Q Then you are satisfied that neither one of them had been married prior to their marriage to each other? A I know that she hadn't, but he come from Texas to here and I couldn't say whether he was or not.
Q How long did they live together as husband and wife? A They were married in 1882 and he left her in 1888 or 1890.
Q Did he desert or were they separated by mutual consent? No, sir, he just went off and left her.
Q Did they ever live together after he left her? A He would come and be here through the day and sometimes stay all week, but he never would provide for her at all.
Q Up to what date did he come back and revisit her or live with her? A It was about in 1892 when he last came to see her, then in 1897, just before he made application for enrollment he came back and bought them clothes all around, and claimed that he had been providing for them and furnishing them money.
Q How many children did they have? A They had five, but one of them was not William Black's.
Q What are the names of these children? A Maggie Black, Sylvanus Black, John Black, Willie Black and Clara Black.
Q Which one of these children was not William Black's ? A Clara.
Q Was he the father of all those other children? A Yes, sir.
Q And Joanna was the mother of all these children, was she? A Yes, sir.
Q Who was the father of Clara Black? A I don't know.
Q After William Black left his wife, Joanna, what became of their children? A They were brought here to this place. I brought them here myself, to Mary Ann Brown's, their grandmother.
Q Was this done through the wishes of the mother of the children or with her consent? A Jim Roy came and told us that she was sick and they did not have any thing to eat, and the children were there begging for something to eat, and that we had better get them.
Q How long were these children in the possession and care of your mother, Mary Ann Brown? A From March, 1891, excepting Maggie, she married in 1903 and Sylvanus, he left in the summer of 1902. The other three stayed until the mother died.

Q Who provided for these children all of that time? A My mother did.
Q Did William Black ever contribute towards the support of his wife or his children? A No, sir, nothing but the clothing he bought them in 1897.
Q Do you know where William Black now is? A No, sir.
Q When did you last hear from him? A It must have been in 1898 when he came along here. He wanted my mother to be a witness for him then.
Q For what purpose did he want her to be a witness? A He was going to try to get on the rolls then.
Q You mentioned that your sister went insane; at what time did she go insane? A She began to lose her mind in 1890, I guess, and in 1892 and 3 she was clear crazy. I think it was in '94 we went and saw the judge and asked if it was alright to keep her confined from them until she died in '97.
Q Was William Black's wife, Jeanna your full sister or a half sister? A A half sister.
Q What was the name of her father? A I think his initials were D. M. Cooper.
Q What was the name of her mother? A Mary Ann Brown.
Q Then her mother was the mother of yourself, was she? A Yes, sir.
Q Did your half sister, Jeanna Black ever remarry after he left her? A No, sir.
Q Do you know if William Black ever remarried aft or he left his wife, Jeanna? A No, sir, I do not.
Q Then this Jeanna Black died in the year 1897? A I may be mistaken when I come to think about it, I think she died in 1898 or '99, I have forgotten which.

(Witness excused)

Maggie E. Butler, formerly Black, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Maggie E. Butler.
Q How old are you? A Twenty-three.
Q What is your postoffice address? A Atoka.
Q What is the name of your father? A William Black.
Q What is the name of your mother? A Jeanna Black.
Q Do you know whether your father, William Black is not living? A No, sir.
Q When did she die? A It wa s in January, 1900, I think.
Q When did your father and mother cease to live together? A Some where about 1890, I think it was.
Q To your knowledge did they live together after that time? A No, sir.
Q Did your father ever revisit your mother or live with her for any period of time after they were separated? A No, sir.
Q Were they separated or did he desert your mother? A They separated, I think.
Q Have you any brothers and sisters? A Yes, sir.
Q What are their names? A Sylvester Black, John Black, Willie Black and Clara Black.
Q Did your father provide for your mother and children after that separation? A No, sir.
Q How old were you when your parents were separated? A Six or seven years old.
Q You don't remember of your father ever revisiting your mother

or their having lived together at any time after their separation, do you? A No, sir.

Q Have you seen your father at any time since the separation of himself and your mother? A Yes, sir.

Q When was that? A I saw him several times, but I saw him last about seven years ago.

Q Under what circumstances did you see him these several times? A He came to our house to stay all night some times and I saw him passing surveying.

Q At whose house did he come and stay? A At my grandmother's house, where we children stayed.

Q What was the name of your grandmother? A Mary Ann Brown.

Q Was your mother living at that time? A Yes, sir.

Q Where was she staying? A She was staying there in the same yard in another house different from what we were living in.

Q How did it happen that your mother and you children were not living in the same house? A She was insane and we kept her to herself.

Q When did your mother first go insane? A About a year after their separation.

Q Do you know if your father and mother ever remarried since their separation? A No, sir, they never did that I know of. My mother never did.

Q You know it to be a fact that your father never provided for your mother or children after their separation, do you? A Why, yes, he bought some things once after their separation.

Q Do you remember when that was? A No, sir.

Q Do you know if their separation was by mutual consent or by actual desertion upon the part of one of them? A I don't know. All I know is that they left, and I never heard my mother say what what was the reason.

(Witness excused)

I, Fay E. Blackert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause, and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blackert

Subscribed and sworn to before me this 20th day of February, 1907.

Richard Sharpe
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Y-b-222.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory December 23, 1904.

Maggie E. Black,
Atoka, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you are a daughter of William Black who is an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. All letters addressed to said William Black have been returned to the Commission unclaimed.

You are requested to inform the Commission with as little delay as possible as to whether or not your father is living and if living his present post office address. If he is dead please state the date of his death.

An envelope for your reply is inclosed herewith.

Respectfully,

Chairman.

Env.

T-2-608.

Muskogee, Indian Territory, August 16, 1904.

William Black,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 28, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Department Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

COLLECTION
Harvey H. Bell

Larvey A. Bell.

DECISION RENDERED DEC 2 1905

REFUSED DEC 29 1905

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED APPLICANT

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 13 1906

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 - 1906

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR APPLICANTS

3 - 1906

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

- 1906

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Harvey A. Bell for enrollment as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A Harvey A. Bell.

Q How old are you? A Forty.

Q You claim as an intermarried Choctaw? A Yes sir.

Q Your wife intermarried with the Choctaws? A Yes sir, under the Chickasaw law.

Q She was an intermarried Choctaw living in the Chickasaw Nation, and intermarried under the Chickasaw law? A Yes sir.

Q Your wife is a white woman is she? A Yes sir.

Q Did she live with her husband until he died? A Yes sir.

Q Since his death you have married her? A Yes sir.

Q You are a white man and a United States citizen? A Yes sir

Q When did you marry her? A Two years ago., and then I married her over.

Q You first married nine years ago under the United States law? A Yes sir, and then I married her over under the Chickasaw law.

Q Were you living in the Chickasaw Nation at the time? A Yessir

---

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Choctaw, D. 683.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ardmore, I. T., October 30, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Harvey A. Bell.

Harvey A. Bell being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Harvey A. Bell.
Q How old are you? A 43.
Q What is your post office address? A Purdy.
Q How long have you resided in the Chickasaw Nation? A 12 years.
Q Continuously for the past 12 years? A Yes sir, most of the time.
Q Have you lived here continuously, ever made your home elsewhere? A No sir, I cant say that I have.
Q Have you or have you not,— you are able to say better than anyone else? A When there was an opening of the Comanche country,— I presented my marriage license to the Dawes Commission, and my understanding was that the refused to enroll me.
Q What has that to do with your residence? A I wanted to say that I drew a place, and when I drew I filed on the place, and since that time there was a contest filed on the place,—
Q My dear sir, what has that to do with the question I have asked you? Have you for the past ten years maintained a continuous residence in the Chickasaw Nation? A I want to say——
Q Have you? A Yes sir, nearly all the time.
Q Not nearly: have you maintained a continuous residence here for the past ten years in the Chickasaw Nation? A No sir, not all the time.
Q Where have you been? A Part of the time I have been up in the Comanche country.
Q How long? A About off and on for——
Q Not off and on; I want to get the facts in this? A Why, I have been here at Purdy nearly all the time.
Q I dont want any evasive answers, just plain direct answers to the questions. I asked you how long you had lived in the Chickasaw Nation, and yousaid for ten years? A Yes sir.
Q Have you maintained a continued residence here for ten years? A With the exception of probably two months altogether.
Q When was that? A Off and on for the last six months.
Q Where have you been during that time? A Part of the time up in the Comanche country.
Q Did you maintain a home here in the Chickasaw Nation during that time? A I was on my wife's place.
Q Here in the Chickasaw Nation? A Yes sir.
Q What is your father's name? A J. A. Bell.
Q He is a white man? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lizzie Bell.
Q A white woman? A Yes sir.
Q Is she living? A Yes sir.
Q Where were you born? A Texas.
Q A citizen of the United States? A Yes sir.

Q And you are an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir, thats the way I made mine.
Q Were you ever married to a citizen by blood of the Choctaw Nation? A No sir.
Q What is the name of the woman through whom you claim your rights as an intermarried citizen of the Choctaw Nation? A Lizzie Bell.
Q She is a white woman? A Yes sir.
Q She at one time was married to a Choctaw Indian? A Yes sir.
Q When were you married to Lizzie Bell? A Been 12 years ago, I forgot the date. You have got the certificate there.
Q You were married under a United States license? A I was right when I was first married and afterwards married under a Chickasaw license.
Q Married 12 years ago under United States license? A Yes sir.
Q When were you married under a Chickasaw license? A The first year the Dawes Commission come in here.
Q Where did you obtain that license? A Got it from a Judge Colbert.
Q How much did you pay for it? A Fifty dollars.
Q Have you lived with Lizzie Bell continuously since your marriage 12 years ago? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.
Q Are you now living together as man and wife actual bona fide residents of the Chickasaw Nation? A Yes sir.

By Mr Murray, Chickasaw Commissioner:
Q You stated just now that you drew a place in the Comanche country? A Yes sir.
Q Have you improved that place in the Comanche country? A Nothing only a little house.
Q Do you still own that place? A I dont know, there isa contest on it.
Q When you went to draw that place in the Comanche country did you not have to swear that you were not a land-holder any other place? A Yes sir, I did not hold any land here.
Q You were holding it under your wife, were you not? A My wife held land. But when I drew that place there I counted that I was not going to be enrolled.

By the Commission:
Q You went before the land office at Lawton? A Yes sir.
Q You made affidavit at that time that you were a citizen of the United States and that you made no claim to citizenship in any Indian tribe, and that you had never received any allotment of land in any Indian tribe? A No sir———
Q Were you not required to make that affidavit? A There was an affidavit about my holding land.
Q And that you were a citizen of the United States? A Yes sir.
Q And you now claim to be a citizen of the Choctaw Nation? At the time I was under the impression that I was not going to be put on the roll.
Q You are now holding and claiming land in the Kiowa-Comanche country as a citizen of the United States? A Yes sir, I was until———
Q You are now are you not? A Yes sir, it is contested; the contest is not settled.

Harvey A. Hall——X

Q What is that compact text? A It was Page——I. and have always contended on the grounds that you were entitled of this question? A I think so, yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings as appears, i.e., on the 30th day of October, 1906, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the case.

W. H. Martin

Subscribed and sworn to before me this 7th day of November, 1906.

C. D. Stephens
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widoews and widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon their white husbands or wives whom they may remarry or upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Endorsed:
Choctaw D-683.
In the matter of the enrollment of Harvey A. Bell as an intermarried citizen of the Choctaw Nation.

Protest of
Choctaw and Chickasaw attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

7-D-683.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

- - D E C I S I O N : - -

It appears from the census card record in this case that during the month of October, 1898, Harvey A. Bell appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage to Lizzie Bell, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as No. 198 upon the lists prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior June 13, 1904.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of this office, that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am therefore of the opinion that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of January 28, 1905 (I.T.D.11589-1904), in the Choctaw enrollment case of Emma McMenamin, the application made for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC 29 1905.

7-D-683.

COPY.

Muskogee, Indian Territory, December 29, 1905.

Harvey A. Bell,
Purdy, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,
SIGNED
Tams Bixby
Commissioner.

Registered.
Incl. 7-D-683.

7-D-623.

COPY.

Muskogee, Indian Territory, December 29, 1905.

Burton & Banes,

Lawton, Oklahoma.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 29, 1905, rendered his decision denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams B[illegible]

Commissioner.

Registered.

7-D-683.

COPY

Muskogee, Indian Territory, December 29, 1906.

Yorker E. Taylor,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 28, 1906, rendered his decision denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

T-D-663.

COPY.

Muskogee, Indian Territory, December 29, 1906.

W. S. Wheeler,

Bradley, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 29, 1906, rendered his decision denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

7-D-683. COPY.

Muskogee, Indian Territory, December 29, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-683.

Muskogee, Indian Territory, December 29, 1905.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, denying said application.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

2 Incl, 7-D-653.

Through the
Commissioner of Indian Affairs.

G.R.W

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.-J.6887-1906
I.T.D. 1588-1906.

February 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record in the matter of the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

Reporting January 25, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 29, 1905, is hereby affirmed.

Respectfully,

Thos Ryan

First Assistant Secretary.

1 inclosure.

LAND:
126-1906

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

January 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Harvey A. Bell.

December 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant is a white man and claims right by reason of his marriage to Lizzie Bell, a white woman, who is a recognized and enrolled citizen by intermarriage of the Choctaw Nation whose name appears at Number 198 upon lists of citizens by intermarriage of the Choctaw Nation approved by the Department June 13, 1904. It does not appear from the record, or from the records of this Office, that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

The applicant alleges that he was married to Lizzie Bell in 1890 under a United States license and that he was remarried to her under a Chickasaw license " the first year the Dawes Com-

mission came here (Ardmore, Indian Territory.")

Other than the foregoing there is no evidence of the applicant's marriage to Lizzie Bell, or any other person, in the record.

In view of the record, and of the opinion of the Assistant Attorney-General for the Department of January 28, 1908 (ETD 11562-1904) in the Choctaw Enrollment case of Susan McGeagin the approval of the decision of the Commissioner adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

MMN

C

7-D-683

Muskogee, Indian Territory, March 3, 1906.

COPY.

Harvey A. Bell,

Purdy, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 16, 1906, affirmed the decision of this office dated December 29, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams. O. Beall.

Acting Commissioner.

7-B-223

Muskogee, Indian Territory, March 2, 1906.

COPY.

Burton & Ramos,

Lawton, Oklahoma Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 16, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

[illegible]63

Muskogee, Indian Territory, March 3, 1906.

COPY.

Yorker E. Tayler,

Paulo Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 16, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

7-B-603

Muskogee, Indian Territory, March 3, 1906.

Copy

W. S. Wheeler,

Bradley, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 16, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Beall,

Acting Commissioner.

7-B-663

Muskogee, Indian Territory, March 3, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 16, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of Harvey A. Bell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Wm. O. Beall

Acting Commissioner.

Before the Honorable Commission of the United States to the Five Civilized Tribes, in session at Ft. Gibson, Indian Territory.

In In parte Marve A. Bell, applicant for Enrollment as a citizen of either the Choctaw or Chickasaw Nation as his rights may appear.	PETITION.

Your petitioner, Marve A. Bell, residing at Purdy Post Office Chickasaw Nation, Indian Territory, states that he is a citizen and member either of the Choctaw or Chickasaw Nation of Indains by reason of his marriage with Lizzie Bell, a citizen and duly enrolled member of the Choctaw Nation on the tenth day of August 1897, in full accordance with the marriage laws of the Chickasaw Nation in which Nation said Lizzie Bell resided at the date of said marriage.

That the original license for said marriage together with the certificate of the Hon. E. F. Colbert, Judge of the County Court of Pickens County, Chickasaw Nation, who performed the marriage ceremony for said marriage, is hereto attached, marked " Exhibit A " and made a part hereof.

That said Lizzie Bell, presented her application to your Honorable Commission for enrollment as a citizen of the Choctaw Nation, on the -- day of August 1896, and that on the ------day of ------- 1896, her said application was duly allowed and judgement enrolling her as a member of said Choctaw Nation was duly entered in her favor upon the records kept by your Honorable Commission in book ----------, page ----------, and which judgment is hereby referred to and made a part of this petition. The notice of the approval of her said application mailed to her by your Commission is hereto attached and marked " Exhibit B" and made a part hereof. The file No of her said entry is 638.

That ever since said marriage your petitioner has continued to reside in the Chickasaw Nation and with said Lizzie Bell as her husband.

Wherefore, by reason of the foregoing facts, your petitioner prays that he be enrolled as a citizen and member either of the Choctaw or the Chickasaw Nation of Indians as his rights may appear.

Pitchlyn Porter

His Attorney.

Exhibit A

CHICKASAW NATION

COUNTY OF PICKENS.

To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of Pickens,

GREETING

You Are Authorized to Solemnize The

RITES OF MATRIMONY

BETWEEN MR Howe A Bell And Mrs Lizzie Bell nee Lizzie Harrison

And make due Return to the clerk of the County Court within Thirty Days thereafter certifying your action Under This License.

Witness my Official Signature and Seal of Office, Pickens County Court-House, this The Tenth 10th day of August 1897

E. F. Colbert.
Judge County Court, Pickens County.

By _____ Deputy

I, E. F. Colbert hereby certify that on Tenth day of August A. D. 1897, I United in Marriage Howe A Bell and Lizzie Bell the parties above-named.

WITNESS my hand this Tenth day of August 1897

E. F. Colbert

Filed for Record 12th day Aug 1897. Recorded 12th day of Aug 1897

Guy Red Colbert Clerk.

I, Guy Reed Clerk of the
County Court of the Hines County
Or. hereby certify that the
foregoing was filed and
duly recorded in Vol. 380
in marriages of the Hines
Co.
Witness my hand and seal
of said Court this 28 day of Aug
1897

Guy Reed
County Clerk
per

VERIFICATION/

I, Harve aA. Bell, do solemnly swear that all the facts alleged in the foregoing petition are true, and arebwithin my own knowledge

Harve A. Bell

Subscribed and sworn to before me this the 17 day of August 1897.

J M Dorchester
Notary Public.

AFFIDAVIT.

I Lizzie Bell do solemnly swear that I am the Lizzie Bell mentioned in the foregoing petition of Harve A/ Bell , and that I have carefully read said petition and that all the facts alleged therein are true to my own knowledge.

6666666 Lizzie Bell

Subscribed and sworn to before me on this the 17th.day of Aug. 1897.

J M Dorchester
Notary Public

Exhibit B.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Lizzie Bell Bundy et al.

VS. **NO.** 675

CHOCTAW Nation.

FORT SMITH, ARK., DEC 3RD 1896.

SIR:

In compliance with the provisions of Act of Congress, Approved June 10, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been GRANTED by the Commission.

Respectfully,

H. M. JACOWAY, JR.,

Secretary.

Commission to the Five Civilized Tribes.

Lizzie Bell

vs. No/_____

Choctaw Nation.

Fort Smith, Ark/ _____ 1898

Madam:

In compliance with the provisions of the Act of Congress App proved June 10th. 1896 the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been granted by the Commission,.

Respectfully,

(signed) H.M. Jacoway, Jr.

Secretary.

Indian Territory,

Southern District.

Ex parte Harve A Bell: Proof of Service of Copy of petition

Application for enrolment as a Chickasaw Choctaw Citizen pending before the Commission to the Five Tribes. Sworn of Chickasaw Nation & Choctaw Nation

A F F I D A V I T .

I O. W. Patchell do solemnly swear that I am one of the attorneys for Harve A. Bell petitioner for enrolment as a citizen of the Chickasaw Choctaw Nation and that on the 14th day of August 1897 I sent by registered mail a true and correct copy of the original petition and the exhibits thereto all of which is hereto attached to the Honorable Green McCurtain Governor of the Choctaw Nation at Tom Bois and also a copy of said petition & Harris the receipt for the registration of which copies is hereto attached.

O. W. Patchell

Subscribed and sworn to before me this 14th day of August, 1897.

Notary Public.

I J. M. Dorchester of Pools Valley do solemnly swear that I was present in the post Office at Pools Valley on the 14th day of Aug 1897 and saw O. W. Patchell mail a registered package containing a copies of the petition and exhibits thereto of the application of Harve A. Bell for enrolment as a citizen of the Chickasaw Choctaw Nation to the Honorable Green McCurtain Governor of Choctaw Nation and to Hon. J. M. Harris Commissioner to the Five Tribes and that I am in no wise interested in the prosecution of said matter.

J M Dorchester

Subscribed and sworn to before me this 14th day of August, 1897.

Notary Public.

Indian Territory,

Southern District.

Ex parte Harve A Bell: Proof of Service of copy of the
:Application for enrolment as a
: n Chickasaw
:Choctaw Citizen pending before the
:
:Commission to the Five Tribes. the Governor of Chickasaw and Choctaw Nations

Some of Chickasaw Nation & Johnson gold 4

A F F I D A V I T .

I O. W. Patchell do solemnly swear that I am one of the attorneys for Harve A. Bell petitioner for enrolment as a citizen of the Choctaw n Chickasaw Nation and that on the 14th day of August 1897 I sent by registered mail a true and correct copy of the original petition and the exhibits thereto all of which is hereto attached to the Honorable Green McCurtain Governor of the Choctaw Nation at Tom Boid and also a copy of said petition & Harris Indian Territory, the receipt for the registration of which copies is hereto attached.

Ex Parte

H. A. Bell

Applicant for re-
hearing as a citizen
either of the Chickasaw
Nation or Choctaw Nation

Proof of service
of copies of Petition
on Commissioners of
Chickasaw and
Choctaw Nations

Pitchell & Barton
Atty Pauls Valley,
Ind Terry.

H. A. Bell

vs

Chickasaw and Choctaw Nations

Petition and Exhibits.

Filed by Mitchell & Barton, Poteau Valley I.T.

OFFICE OF
Patchell & Barton.
LAWYERS

O. W. PATCHELL.
C. C. BARTON.

Pauls Valley, I. T. Aug 18 1907

To the Hon. Commissioner to the Five Tribes,
Ft. Gibson Ind Ter.

Gentlemen:- Enclosed find the petition of Harve A. Bell for enrolment as either a Chickasaw or Choctaw Citizen as his rights may appear from the facts and the law. Please file the same and at an early date we will forward a brief as to which Nation we think Mr. Bell should be enrolled in.

Very respectfully,
Patchell & Barton.

FILED
AUG 26 1907
[illegible]
SECY.

Muskogee, Indian Territory, October 19, 1898.

Hon. Tams Bixby, Actg. Chairman,

Chickasha, I. T.

Dear Sir:-

At the request of O. W. Patchell of Pauls Valley, I forward to you herewith, the application for enrollment filed before this Commission in 1897, in behalf of H. A. Bell.

Very truly yours,

Secretary.

Choctaw D 694

Muskogee, Indian Territory, April 4, 1902.

Burton & Hanes,

Lawton, Oklahoma Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 27, 1902, addressed to the United States Indian Agent, Muskogee, Indian Territory, and by him referred to this Commission for appropriate action.

Therein you desire to be informed if Harvey A. Bell, of the Chickasaw country, is a member of any tribe of Indians.

Replying to your letter you are informed that it does not appear from the records of this office that any person by the name of Harvey A. Bell has ever been listed by this Commission for enrollment as a citizen of either the Choctaw or Chickasaw Nations.

It does appear, however, that at Atoka, Indian Territory, in October, 1898, Harvey A. Bell made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming such right by reason of his marriage to a white woman, who had previously been married to a Choctaw Indian.

The Commission has not up to this time rendered an opinion as to the rights of Harvey A. Bell to final enrollment as

Dear [illegible]

Questions by intermarriage of the Cherokee Nation, not [illegible] an opinion is rendered, he will be only advised of the [illegible]

Yours truly,

[illegible] Commissioner in Charge.

Choctaw D 683

Muskogee, Indian Territory, April 9, 1902.

Burton & Rames,

Lawton, Oklahoma Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting that you be informed if Harvey A. Bell is on the Chickasaw roll.

Replying to your letter you are informed that it does not appear from the records of this office that any person by the name of Harvey A. Bell has been listed by this Commission for enrollment as a citizen of either the Choctaw or Chickasaw Nations.

It does appear, however, that at Atoka, Indian Territory, in October, 1898, Harvey A. Bell made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming such right by reason of his marriage to a white woman who had previously been married to a Choctaw Indian.

The Commission has not up to this time rendered a decision as to the rights of Harvey A. Bell original enrollment as a citizen by intermarriage of the Choctaw Nation but when such an opinion is rendered he will be duly advised of the same.

Yours truly,

Choctaw 3 [illegible]
Choctaw 3 [illegible]

Muskogee, Indian Territory, April 29, 1908

M: S. Wheeler,
Bradley, Indian Territory.

Dear Sir:

Your letter of the 17th instant, addressed to the Secretary of the Interior, Washington, D. C., has been by him referred to this Commission for consideration and appropriate action.

Therein you desire to be advised if H. A. Bell who married Lizz Harrison, the widow of Daniel Harrison, a citizen by blood of the Choctaw Nation, can hold a claim in Oklahoma and at the same time maintain possession of and receive rents from lands in the Chickasaw Nation.

Replying to your inquiry you are advised that the Commission can render no opinion or any information relative to the holding of allotments in the Kiowa-Comanche country in Oklahoma. This is a matter over which the Commission has no jurisdiction and information on this subject should be requested from the United States Land Agent for the District in which Mr. Bell is maintaining his holding.

You are advised that it appears from our records that both Harvey A. Bell and his wife, Lizzie Bell are applicants to this Commission for enrollment as citizens by intermarriage of the

E S W S

enrolled Indian and their rights to such enrollment have not been determined by the Commission up to this time.

It is probable that a decision will be rendered in these cases at an early date and in the event that such decision is unfavorable to the applicants they will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

[redacted]

Muskogee, Indian Territory, August 9, 1902.

Yorker R. Taylor,

Attorney at Law,

Paula Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you desire to be advised if Harve or Lizzie Bell have been listed for enrollment by this Commission.

Replying to your inquiry you are advised that Lizzie Bell, thirty-six years of age, of Purdy, Indian Territory, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. It further appears that under the act of Congress of June 10, 1896, this applicant was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes.

Harvey A. Bell is also an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming such right by reason of his marriage to the above named Lizzie Bell.

No decision has been rendered in the matter of the application for enrollment of either of the above named persons and it is probable that no final action will be taken until after the

disposition of the pending agreement between the United States and the Choctaw and Chickasaw Nations. When such decision is rendered the applicants will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choctaw n 688

Muskogee, Indian Territory, April 10, 1903.

Harvy A. Bell,
Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, asking the status of your case, and in reply you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw B 683

Muskogee, Indian Territory, February 10, 1904.

Harvey A. Bell,

Purdy, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 685

Muskogee, Indian Territory, May 28, 1904.

H. A. Bell,
Purdy, Indian Territory,

Dear Sir:

Your letter of May 14, 1904, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you ask the status of your enrollment and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but will as soon as practicable take up the same for consideration and determination. As soon as a decision is reached, you will be notified of the action taken therein.

Respectfully,

Chairman.

REGISTRY RECEIPT.

Post Office at [illegible], I. T.

Registered Letter / Parcel No. 4[illegible] Rec'd [illegible] 12 189 7

of Ow Patchee
one Letter

addressed to Will Harris
Dis homingo I T

✓ P. M.

REGISTRY RECEIPT.

Post Office at [illegible], I. T.

Registered Letter / Parcel No. 45 Rec'd Aug 14 1897

of Ow Patchee
One Letter

addressed to Grace McCurtain
Fan Bois I. T

✓ P. M.

Choctaw D 684
Agnes Childers

D-684

gnes Childers

REFUSED. FEB 14 1907

RECORD FORWARDED DEPARTMENT. FEB 14 1907

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. APR 5 1907

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. 1907

COPY.

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of Agnes Childers as intermarried Choctaw; Areann Foster being sworn and examined by Com. McKennon, testifies:

Q Are you acquainted with Tandy K. Walker? A Yes sir.

Q Are you acquainted with his former wife Agnes, now the wife of Mr. Childers? A Yes sir.

Q Were you intimately acquainted with them during their married life? A Yes sir.

Q Do you know anything about the cause of their separation?

Q No sir, I couldn't saywhat was the cause of it; I knew they separated.

Q What all you know about it? A Yes sir. He left her; he give her money and sent her to Fort Smith, and she come back to him, and then he left her.

Q You don't know why he did that? A No sir, I couldn't say positive.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. B. Green.

M 7-D-684.

Muskogee, Indian Territory, November 9, 1905.

Tandy K. Walker,

Spiro, Indian Territory.

Dear Sir:

It appears from the records of this office that in 1899 application was made to the Commissioner to the Five Civilized Tribes, for the enrollment of Agnes Childers, a citizen by intermarriage of the Choctaw Nation.

This office has been unable to locate said applicant and inasmuch as she was formerly your wife, you no doubt can furnish her present post office address; if so kindly notify this office of same at the earliest possible date.

An envelope for reply is enclosed.

Respectfully,

Commissioner.

Env.

7-D-684.

Muskogee, Indian Territory, November 11, 1905.

Charles T. Mitchell,
McCurtain, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, 1905, asking the status of the case of Agnes Childers an applicant for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that Agnes Childers has not yet appeared at this office to testify relative to her intermarried status on September 25, 1902, the date of the final ratification of the act of Congress approved July 1, 1902, and until this testimony is received no disposition can be made of her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Kincaer, I.T. Dec. 12, 1908.

Commissioner,

Dear Sir:

In reply to your 18th 7-2-284, I or you have got a mistake on the address of Agnes Childers her address is Tyro, Kansas. Probably I have made a mistake when I wrote you. You have it Tyro Arkansas and you can look it up and see if I made the mistake or if it is Tyro Kansas.

Yours Truly,

Tandy K. Walker.

W-B-224.

Muskogee, Indian Territory, February 27, 1906.

Agnes Shilders,

Tyro, Kansas.

Dear Madam:

In the matter of your application for enrollment as a a inter married citizen of the Choctaw Nation you are advised that before further consideration can be given the same it will be necessary for you to appear in person at this office for the purpose of testifying relative to your intermarried status on September 25, 1902.

This matter should receive your immediate attention and notice of the time of taking such testimony must first be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

(COPY)

Testimony of K. Tandy Walker.

What is your name K. Tandy Walker

Your Age 48

Your Post Office Kiowa, I. T.

Are a Citz of the Choc. Nation Yes Sir

Are you acquainted with Agnes Childers Yes

Were you ever married to Agnes Childers Yes

When were you married 28 or 29 years ago

How long did you live together 6 or 7 years

Were you married under Choc Law Yes

Was she a Choc. Citz No She was a white woman

Who was her father I dont know

How long has it been since she lived in the Choc. Nation. 8 years

After she left you did she remain in the Choc Nation untill 5 years ago Yes

What was her P. O. address in the I. T. after you and her were separated. Tahoma, I. T.

How long did she live at Tahoma I. T. She lived there from the time we were married untill 1901 or 1902

Where did she go from Tahoma To Tyre Kas

? Is she married again? Yes sir.

Who to Bill Childers

Was she ever recognized by the Tribal Authorities Choc. Nation Yes Sir.

Is Bill Childers a Choc. Citz. No he is a Cherokee

Did Agnes ever draw any money from the Choctaw Nation while she lived with you No Sir

Were you divorced from her under the Choctaw Laws Yes Sir

Where was Agnes married to Bill Childers & at Tahlequa

K. Tandy Walker

Subscribed and sworn to before me this 26th January 1907

J. L. Gary

Notary Public

Central District

Ind. Ter.

7-D-684. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation.

Although ample opportunity has been afforded said applicant to show by satisfactory evidence that she is entitled to enrollment as a citizen of the Choctaw Nation, she has failed to do so.

I am, therefore, of the opinion that following the ruling of the Department of January 14, 1907 (I.T.D. 60-1907), in the case of Thad Smith, the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

7-B-684

COPY

Muskogee, Indian Territory, February 14, 1907.

7

Agnes Childers,

Tyro, Kansas.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-B-684.

7-D-684

COPY

Muskogee, Indian Territory, February 14, 1907.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, denying the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-684.

COPY

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 7-3-834

Through the

Commissioner of Indian Affairs.

JP.
S. P.

D. C. 13271-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

I. T. D.
6132,6432,6682,6718-1907.
6868,6872,6878,6880- "
6886,6888,6890,6892- "
7394,6896,7376,7632- "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.		Date of your letter of transmittal.
Emma Crawford	(intermarried)	February 15, 1907.
Susie A. Stidham	(intermarried)	February 15, 1907.
Solee Nail	(freedman)	February 15, 1907.
Luestella Weatherly, et al.		February 12, 1907.
Charlette Jones	(freedman)	February 14, 1907.
Clayton Howlaway, et al.	(freedmen)	February 14, 1907.
Lillie Nash		February 21, 1907.
Agnes Childers	(intermarried)	February 14, 1907.
Erma Brown	(freedman)	February 19, 1907.
Mallie Scheeley, et al.		February 23, 1907.
Abner Owens, et al.,	(freedmen)	February 23, 1907.
Edna N. Gardner		February 21, 1907.
Mary M. Bayles, et al.	(freedmen)	February 20, 1907.
Reesee Burney		February 21, 1907.
Richard S. Bennight, et al.		February 18, 1907.
Abagail Kimble, et al.		February 21, 1907.

A copy hereof and the papers in the above mentioned

cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

16 inc. and
32 to Ind. Of.
WCF. 3-5-07.

Land
16297-1907.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby, dated February 14, 1907, transmitting the record relative to the application of Agnes Childers for enrollment as a citizen by intermarriage of the Choctaw Nation including the decision of the Commissioner adverse to the applicant dated February 14, 1907.

The decision of the Commissioner has been examined and found to be correct, the same is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D.-W.L.P.

9-L-684

Muskogee, Indian Territory, April 8, 1907.

Agnes Childers,

Tyro, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-684

Muskogee, Indian Terri ory, April 5, 1907.

Mansfield, McMurray & Cornish,

Atterneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, denying the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chester-D-684

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1903.

Agnes Childers,

Spiro, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 26, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

40.08.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. CADMAN,
C. R. BREEDLOVE,
W. O. BEASLEY.

ALLISON L. ROBERTSON,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D 684

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 10, 1904.

Agnes Childers,

Spiro, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

T-D-634.

Muskogee, Indian Territory, August 16, 1904.

Agnes Childers,

Spiro, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

T-D-324.

Muskogee, Indian Territory December 23, 1904.

Tandy K. Walker,

Spiro, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Agnes Childers claims rights as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to you. All letters addressed to said Agnes Childers have been returned unclaimed.

You are requested to inform the Commission, if you know, of the present post office address of said Agnes Childers and an envelope for your reply is inclosed herewith.

Respectfully,

Chairman.

Inv.

Blocker, I. T. Nov. 17, 1903.

Commissioner-

Dear Sirs:

In reply to you will say Agnes Childers is at Tiro, Kansas.

Yours Trughly,

Tandy K. Walker.

W-B-684

Muskogee, Indian Territory, December 12, 1905.

Tandy K. Walker,

Blocker, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 17, 1905, in which you give the address of Agnes Childers, as Tira, Arkansas.

You have the thanks of this office for your attention in the matter.

Respectfully,

Acting Commissioner.

7-D-684

Muskogee, Indian Territory, December 20, 1905.

Tandy K. Walker,

Blocker, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, 1905, in which you state you made a mistake in your previous letter and that the post office address of Agnes Childers is Tyro, Kansas instead of Tira, Arkansas.

You have the thanks of this office for your attention in the matter.

Respectfully,

Commissioner.

SP.

D. C. 13271-1907. S. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

I. T. D.
6132,6432,6662,6718-1907.
6843,6872,6878,6880- "
6886,6888,6890,6892- "
7394,6896,7086,7632- "
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your letter of transmittal.
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Solee Nail (freedman)	February 18, 1907.
Lucstella Weatherly, et al.	February 12, 1907.
Charlotte Jones (freedman)	February 14, 1907.
Clayton Hewlaway, et al. (freedmen)	February 14, 1907.
Lillie Noah	February 21, 1907.
Agnes Childers (intermarried)	February 14, 1907.
Erma Brown (freedman)	February 19, 1907.
Sallie Scholey, et al.	February 23, 1907.
Abner Owens, et al. (freedmen)	February 23, 1907.
Edna M. Gardner	February 21, 1907.
Mary M. Boyles, et al. (freedmen)	February 20, 1907.
Roscoe Burney	February 21, 1907.
Richard S. Bennight, et al.	February 18, 1907.
Abagnil Kimble, et al.	February 21, 1907.

A copy hereof and the papers in the above mentioned

[illegible]

[illegible] have been sent to the Legal Office.

Respectfully,

[illegible]

Secretary.

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Agnes Childers as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-684.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

H. M. Clover

FOR IDENTIFICATION AS
A.

REFER TO M.O.R. #6791

CHOCTAW D

William H. Hefli

GRANTED

and transferred

to Choctaw

MAY

CHOCTAW

Ada Anderson

GRANTED,

and disposed

to Choctaw 1902.

MAY 15 1905

Hugh A Bishop.

Record transferred to Choctaw card #5692. See decision of July 30. 1903 file with Choctaw card #5690

D. 689

Alice E. Overstreet

Record transferred to
Choctaw #5744

Choctaw D-390

C. D. Byrum

W. Bynum

DISMISSED

MAY 27 1904

Husband of Coral Reid
on Choctaw # 5138.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of:

G. D. Bynum, 7--D-690.

---o---

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, December 4, 1906.

In the matter of the application of C. D. Byron for enrollment as an intermarried citizen of the Chickasaw Nation.

C. D. Byron being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A C. D. Byron.
Q How old are you? A 34 years old.
Q What is your post office address? A Davis.
Q Where is that? A In the Chickasaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived in the Chickasaw Nation? A I lived in the Chickasaw Nation about 18 or 20 years; Chickasaw and Choctaw.
Q How long have you lived in the Chickasaw Nation? A I lived in the Chickasaw Nation - let me see - about five or six years I guess.
Q Have you maintained a continuous residence there for that length of time? A Yes.
Q Where did you live before that? A Lived in the Choctaw Nation.
Q Where were you born? A In Kentucky.
Q Lived in Kentucky until you removed to the Choctaw Nation? A No, I moved to Texas.
Q What is your father's name? A Wid Byron.
Q Is your father living? A No.
Q What is your mother's name? A Mary Frances Byron.
Q Is your mother living? A Yes.
Q Were your parents both white people? A Yes
Q Citizens of the United States? A Yes.
Q Have either of your parents ever been recognized in any manner or made application to be recognized as citizens by blood of any tribe of Indians? A Not that I know of.
Q Do you claim any rights as a citizen by blood of any tribe of Indians? A I do not.
Q Are you a white man? A Yes.
Q You are making application at this time to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes.
Q What is the name of your wife? A Coral Byron. She's enrolled as Reid.
Q Is she a citizen of the Choctaw Nation? A Yes.
Q A citizen by blood? A Yes.
Q Has she always been recognized and enrolled as such? A Well, I don't know about that; she's been enrolled seven or eight years; I don't know; only been married a short time.
Q Has she been enrolled by this Commission as a citizen of the Choctaw Nation? A I think she has; her mother has appeared before this Commission.
Q What is the name of her mother? A Emma Reid.
Q What is the name of her father? A William, I believe; W. J. is his initials. Her father doesn't claim citizenship, I don't think.

The records of the Commission examined and the name of Coral Reid, 15 years of age is found upon Choctaw roll card, No. 5138, where she was listed September 23 1896, having been admitted to sit incomship in the Choctaw Nation by judgment of the United States Court for the Central District of Indian Territory rendered at South McAlester, Indian Territory, January 27, 1896 in court case No. 105. The name of her mother appears as Serena Reid; name of her father W. J. Reid.

Q Where did you marry Coral Reid? A At Durant.
Q What Nation? A Choctaw Nation.
Q Where did she live? A She lived at Ravia.
Q When were you married? A Married the 13th of August.
Q What year? A '01.
Q Who married you? A Sherwood.
Q How long had your wife been living in the Chickasaw Nation?
A My wife's been here I think ---
Q In the Chickasaw Nation? A In the Chickasaw Nation about eight or nine years; probably ten; I can't tell you exactly.
Q At the time you and your wife were married you were both residents of the Chickasaw Nation? A Yes.
Q Did you obtain a license to marry Coral Reid? A Yes.
Q Have you your marriage license with you? A Yes.

The applicant here offers in evidence and there is marked Exibit A., filed and made part of the record in this case, marriage license issued by F. E. Folsom, County and Probate Clerk of Blue County, Choctaw Nation to C. D. Bynum to marry Miss Coral Reid, issued the 31st day of July 1901. Attached thereto is the certificate of J. F. Sherwood, Minister of the Gospel, as to the marriage of C. D. Bynum and Miss Coral Reid, on the 13th of August 1901. Said instrument being recorded on the 18th day of August 1901, in the records of Blue County Choctaw Nation Volume A. on page 401.

Q You were married on the 13th day of August 1901? A Yes.
Q This certificate of the Minister of the Gospel is the 13th of August 1901; that is a clerical error I suppose as the license was issued on the 30th of July 1901? A I noticed that.
Q Had you been married prior to your marriage to Coral Reid? A No.
Q Was Coral Reid ever married before she was married to you? A No.
Q Were you ever married to Coral Reid under any other license than this license issued by the County and Probate Clerk of Blue County Choctaw Nation? A Yes.
Q When? A I was married at Ardmore.
Q To Coral Reid? A To Coral Reid
Q When were you married to her? A The 3rd of February.
Q What year? A '01.
Q How were you married to her? A Under the United States law.
Q Have you that marriage license and certificate? A No; I have'nt got that with me; I could produce it though.
Q Did you live together as husband and wife after this marriage in February under United States license? A Yes.
Q At the time this license was issued by the County and Probate Clerk of Blue County Choctaw Nation on July 31, 1901 did you know any woman by the name of Coral Reid? A That was my wife.
Q What was her name at that time? A Her name was Coral Reid is the way the judge said.

C. D. Byrum, E.

Q. Was your wife? A Yes but he did'nt recognize that name at all.
Q. Her name at that time was Coral Byrum? A Coral Byrum under the United States laws.
Q. What is the residence of your parents? A Arkansas.
Q You and Coral Reid are living together as man and wife? A Yes.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 4th day of December 1901 and that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of December 1901.

Philip B. Hopkins
Notary Public.

7-D-690.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of C. D. Bynum as a citizen by intermarriage of the Choctaw Nation.

----o-----

The applicant, C. D. Bynum, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Carol Reid. The right of the applicant's wife, Carol Reid, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 30, 1904, in case No. 45, upon the South McAlester docket of said court, it is hereby ordered that the application of C. D. Bynum for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 27

To D- 690

COPY.

Muskogee, Indian Territory, June 8, 1904.

G. R. Symes,

Ravia, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Encl. 7- D- 690.

7- D- 690

COPY!

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of C. D. Byrum.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 690.

See Choctaw R- 650 for registry receipt for this letter.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 6, 1902.

Choctaw D-690.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Cassius D. Bynum.

Cassius D. Bynum being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A C. D. Bynum.
Q What does the "C" stand for? A Cassius.
Q C-a-s-s-i-u-s? A Yes, sir.
Q What is your age? A Thirty-five.
Q What is your post office address? A Ravia.
Q Claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your wife and through whom you claim that right to enrollment? A Coral Reid.
Q That was her maiden name? A Yes, sir.
Q Is she living? A Yes, sir.
Q Have you and your wife lived together continuously since your marriage up until the present time? A Yes, sir.
Q There has been no separation of any kind or character? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 17 day of January 1903.

Charles H. Sawyer
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 6, 1902.

Choctaw D-690.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Cassius D. Bynum.

Cassius D. Bynum being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A C. D. Bynum.
Q What does the "C" stand for? A Cassius.
Q C-a-s-s-i-u-s? A Yes, sir.
Q What is your age? A Thirty-five.
Q What is your post office address? A Ravia.
Q Claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your wife, through whom you claim that right to enrollment? A Coral Reid.
Q That was her maiden name? A Yes, sir.
Q Is she living? A Yes, sir.
Q Have you and your wife lived together continuously since your marriage up until the present time? A Yes, sir.
Q There has been no separation of any kind or character? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 17 day of January 1903.

Charles T. Sawyer
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 6, 1902.

Choctaw D-690.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Cassius D. Bynum.

Cassius D. Bynum being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A C. D. Bynum.
Q What does the "C" stand for? A Cassius.
Q C-a-s-s-i-u-s? A Yes,sir.
Q What is your age? A Thirty-five.
Q What is your post office address? A Ravia.
Q Claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes,sir.
Q What is the name of your wife through whom you claim that right to enrollment? A Coral Reid.
Q That was her maiden name? A Yes,sir.
Q Is she living? A Yes,sir.
Q Have you and your wife lived together continuously since your marriage up until the present time? A Yes,sir.
Q There has been no separation of any kind or character? A No,sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 17 day of January 1903.

Charles H. Sawyer
Notary Public.

Rex

V-p-690.

Muskogee, Indian Territory, August 18, 1902.

C. B. Bynum,
Bavia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you request information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that on December 4, 1901, the Commission received your application for enrollment as an intermarried citizen of the Choctaw Nation. No action has as yet been taken in your case. It is probable that the same will be taken up for final consideration at an early date. As soon as a decision has been reached in your case you will be advised of the result, and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Marriage License

FOR

C. D. Bynum

AND

Miss Coral Reid

H. E. Folsom

Issued July 31 1901

J. E. Fowler

County and Probate Clerk.

This license shall be placed in the hands of the Circuit Clerk for record within thirty days by the parties in whose favor it was issued.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1901
ACTING CHAIRMAN

INDIAN TERRITORY

Blue County, Choctaw Nation } ss

I, ... Clerk of the County court of said county, do hereby certify that the foregoing instrument of writing dated the .. day of .. 189/ with its Certificate of Authentication, was filed for record in my office the .. day of ..... 189 at .. o'clock M and duly recorded this ..... day of ..... 189.. at o'clock M. in the records of said County in Volumn ..... on Pages ..... WITNESS my hand and seal of the county court of said county, at office in Caddo, the day and year last above mentioned.

..... Clerk County Court, Blue County.

THE CHOCTAW NATION,

County of Blue,

To Any Judge of The County or District Court, Regular Licensed or Ordained Minister of the Gospel of the Choctaw Nation. Greeting:

You are hereby authorized to solemnize the rites of matrimony between Mr C. L. Bynum and Miss Coral Reed. Certifying your actions under this license.

Witness my official signature and seal of office at my office in Caddo, this 31st day of July A. D. 1901

J. E. Folsom

County and Probate Clerk, Blue Co. C. N.

I J. F. Sherwood, hereby certify that on the 13 day of August A. D. 1891 I united in marriage Mr. C. L. Bynum and Miss Coral Reed, the parties above named.

Witness my hand this 13 day of August A. D. 1891.

J. F. Sherwood
Minister of Gospel

MAY

Choctaw D-692

Jasper Ostean Sanders et al

Alan Sanders

2-3-4 DISMISSED

DEC 1904

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the applications of Clara Sanders (Clair Sanders), Bert F. Sanders (Birt Franklin Sanders) and Lawrance Sanders for enrollment as citizens by blood of the Choctaw Nation.

7-D-692.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, December 10, 1901.

In the matter of the application of Jasper Oatman Sanders for the enrollment of himself and his minor children, Clara and Bert Franklin Sanders, as citizens of the Choctaw Nation. Jasper Oatman Sanders being first duly sworn, testified as follows:

Examination by the Commission .

Q What is your name? A Jasper Oatman Sanders.
Q How old are you? A I was born November 12, 1872.
Q How old are you then? A Twenty-nine years old. Past a little of course.
Q Where do you live? A At Roff.
Q Where is that? A Its in the Chickasaw.
Q How long have you lived in the Indian Territory? A I have not been here at this time but about three months.
Q Where did you live before that? A Arkansas.
Q How long did you live there? A I have been raised in Arkansas. I have been though in the Territory off and on for about six years.
Q What do you mean by off and on? A I made trips out here and would stay awhile and go back to the state and stay there.
Q Have you ever maintained a residence in the Indian Territory? A No sir.
Q Are you actually maintaining a residence at Roff? A No sir, I haven't a place. I am in the house with my brother.
Q Do you own property in Arkansas? A I haven't no place in Arkansas now.
Q Do you vote there? A I have voted there.
Q When did you vote there last? A The last general election I believe. I forget how long ago it was. Two years I reckon.
Q Are you a qualified elector of the state of Arkansas? A I voted at that time. I reckon I was.
Q Then you claim as your place of residence the state of Arkansas? A Thats where I was raised.
Q Is that where you are living at this time? A No sir, I have quit Arkansas now and expect to make the Territory my home.
Q You came to the Territory within the last three months? A Yes sir, came the first of September.
Q What does your residence in the Indian Territory now consist of? A I haven't anything much. My family.
Q Do you own any property? A Nothing only a wagon and team.
Q Do you own any household goods? A Yes sir.
Q Where are they? A At Roff. A mile and a half from Roff.
Q When did you bring them there? A In September.
Q This year? A Yes sir.
Q Where did you have your household goods before that? A In Arkansas.
Q Then the only residence you have ever maintained in the Indian Territory has been for the last three months? A Yes sir, I have moved out here this is the third time but I never got any improvements.
Q When you moved out here before, did you bring your family and household goods with you? A Yes sir.

Q How long did you stay? A About three months I reckon the first time I went and about the same I reckon the second.
Q When was the first time you came out here? A Its been six years ago.
Q What year was it? A Six years ago would be about 1897 I suppose.
Q How long did you stay when you came that time? A Some where about three months.
Q Then did you go back to Arkansas? A Yes sir.
Q When was the second time you came to the Indian Territory?
A Its been three years ago.
Q How long did you stay that time? A About the same time I reckon. Some where about three months.
Q Do you remember just the month and year you came out here the second time? A I got into the Territory about the first of March I think.
Q What year. I know what day I started from Arkansas.
Q March, what year? A It was 1898 I reckon. It has been three years ago.
Q You staid here then until when? A I staid here until along in the summer and I went back.
Q What time in the summer? A I think about the last of June. Some time in June.
Q Went back to Arkansas? A Yes sir.
Q Been living there ever since? A Yes sir I have been living there ever since. That is, I have made that my home ever since.
Q What is your father's name? A Newton Sanders.
Q Is that your father living? A Yes sir.
Q What is your mother's name? A Arty Mindy Sanders.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Is your father a white man? A Yes sir.
Q How much Choctaw blood have you? A I don't really know. I think though about a sixteenth.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sallie Sanders.
Q Is she a white woman? A Yes sir.
Q Do you want to make application for your wife? A Not if she has to make it herself. I couldn't do it for her if I have got the right understanding of it.

The Commission requires that applicants for enrollment as citizens by intermarriage must make their applications in person.

Q Where were you married to Sallie Sanders? A In Searcy County, Arkansas.
Q When were you married? A I was married in '94.
Q Have you any evidence of your marriage? A Yes sir, I guess I could get evidence of it.
Q Haven't you got it there? A Nothing more than that.

There is offered in evidence, marked exhibit "A" filed and made a part of the records in this case, marriage license and certificate between J. O. Sanders and Sallie Halstead of March 8, 1893.

Q Have you any children? A Yes sir.
Q How many? A Two.
Q What is the name of the eldest one? A Clara.

Q Clara Sanders? A Yes sir.
Q How old is Clara? A She is three years old past.
Q When was she born? A September 12, 1898.
Q What is the name of the other child? A Named Bert Franklin.
Q How old is he? A Hes about thirteen months old.
Q When was he born? A In 1900.
Q Is Sallie Sanders the mother of both of your children? A Yes sir.
Q Are you the father of both of them? A Yes sir.
Q Have you any evidence of the birth of these children? A Not here. Nothing more than my own.
Q It will be necessary that you furnish in the matter of the application for the enrollment of these children, proper affidavits of their births. You make application for the enrollment of yourself and your two minor children as citizens of the Choctaw Nation. Is that correct? A I reckon it is.
Q Do you or do you not? A Yes sir.
Q Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that nation? A No sir, I reckon not.

Tribal rolls of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Q How did you become a citizen of the Choctaw Nation? A I was allowed by the court. The United States Court at Ardmore.
Q Admitted by a judgment of the United States Court at Ardmore? A Yes sir.
Q Do you know the name of the case in which you were admitted?
A Yes sir. Nancy J. Cooper.

Records of the Commission of applications filed under the Act of Congress of June 10, 1896 forcitizenship in the Choctaw Nation examined, and in citizenship docket C page 436, Choctaw case 1418, the following entry appears: "Nancy Cooper et al vs the Choctaw Nation. Original application filed September 9, 1896. Answer of the Choctaw Nation filed. December 8, 1896, application denied."

Q Were you a party to the application filed by Nancy Cooper and others for citizenship in the Choctaw Nation to this Commission in 1896? A Yes sir.
Q Was your name included in the appeal taken to the United States Court for the Southern District of the Indian Territory from the decision of the Commission? A Yes sir.
Q And was your name included in the judgment of the United States Court admitting Nancy Cooper and others to citizenship in the Choctaw Nation? A Yes sir.

From the decision of the Commission refusing the application of Nancy Cooper et al for citizenship in the Choctaw Nation, an appeal was taken to the United States Court for the Southern District of the Indian Territory and that Court on December 20, 1897, reversed the decision of this Commission and admitted to citizenship in the Choctaw Nation the applicants in the original petition, the same being on the docket of the United States Court for the Southern District of the Indian Territory, citizenship case No. 94.

Q It does not appear that any person by the name of Jasper Ostean Sanders was admitted to citizenship in the Choctaw Nation by the judgment above referred to. You stated that your name was included in the application made to this Commission and in the judgment of the United States Court in the case of Nancy Cooper and others? A Yes sir.

Q But it does not appear from our records that any person by this name was ever admitted to citizenship in the Choctaw Nation. Now, here is the judgment of the United States Court for the Southern District of the Indian Territory admitting the persons in the original application to citizenship in the Choctaw Nation. Is your name included in that judgment? A Its down Joseph. That should be my name though and I am the youngest child and it is in rotation.

Q What name? A This one here.

Q What is it? A Joseph Ostrin. That aint my name.

Q Do you know of any other person by the name of Joseph Ostrin Sanders? A No sir. I have a brother by the name of Joseph Monroe Sanders. He's named there.

Q Are you the identical person admitted to citizenship in the Choctaw Nation by this judgment under the name of Joseph Ostrin Sanders. I could not say positively as to that but then I don't think judgment was given in that name. But my name in the applications was put down just like I gave it to you.

There is offered in evidence, marked exhibit "B", filed and made a part of the record in this case, certified copy of the judgment of the United States Court for the Southern District of the Indian Territory, in the case of Nancy J. Cooper et al vs the Choctaw Nation.

It appears from a certified copy of the journal entry of the United States Court for the Southern District of the Indian Territory of the 20th of December, 1897, that Jasper Ostain Sanders was admitted to citizenship by judgment of the court in the case of Nancy J. Cooper et al vs the Choctaw Nation.

My a Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, on the 10th day of December, 1901, she reported in full the proceedings in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 10th day of December, 1901.

Philip B. Hopkins
Notary Public.

Indian Territory,
Southern District.

I, C.M. Campbell, Clerk of the United states Court within and for the Southern District of the Indian Territory, do hereby certify that the annexed four transcripts of proceedings in the case of Nancy J. Cooper et al/ Plaintiff, vs. Choctaw Nation, defendant, No. 96, includes all the final judgments or decrees entered of record to this date.

In Testimony whereof, witness my hand and official seal at my office in Ardmore, this 17th day of June, 1899.

C M Campbell
Clerk, U.S. Court.

No. 96

United States Court,

INDIAN TERRITORY,

Southern District.

Henry J. Cooper et al

vs.

Choctaw Nation

TRANSCRIPT OF PROCEEDINGS IN SUIT.

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY, SOUTHERN DISTRICT, AT ARDMORE.

NANCY J. COOPER, ET AL., Plaintiffs,)
-VS-) No. 96.
Choctaw Nation, Defendant.)

This cause coming on to be heard on the 20th., day of December, 1897, upon the Master's report and exceptions thereto, and it appearing therefrom that the plaintiffs in this case, hereafter mentioned and set forth, are Choctaw Indians by blood and by inter-marriage, and as such are entitled to citizenship in the Choctaw Nation.

And it appearing from the evidence in this case, that the said applicants are Choctaw Indians by blood and by inter-marriage, and it appearing also that these applicants are Chactaw Indians have duly filed their application for citizenship before the "Dawes Commission", and have duly appealed therefrom to this Court.

And it appearing that the following named persons are Choctaw Indians by blood and are all ~~the~~ residents of the Indian Territory, except Samuel H. Cooper, William Houston Cooper, John Cooper, Jr., Senora Ann Cooper, to-wit:- Rebecca Brown (nee Cooper), William Lafayette Brown, Caswell Marion Brown, Polly Ann Peck (nee Brown), George G. Brown, Nancy Alice Brown, Pettie Brown, Sarah Brown, Becky Brown, Mary Brown, Mattie Brown, Willie Brown, Florence Brown, George Brown, Susie Brown, Charlie Brown, Grant Peck, Andrew Peck, Willie Peck, Oscar Peck, Benjamin~~xxxx~~, Arty Vincie ~~Peck~~ Sanders, John Newton Sanders, Jessie Erna Peck, Wilson Sanders, Joseph Munroe Sanders, Elijah McPadien Sanders, ~~Mary Sanders~~, Amanda Minerva ~~Sanders~~ Reynolds, (nee Sanders), Jasper Ostian Sanders, Munroe Sanders, William Newton Sanders, Thomas Wilson Sanders, Minnie Rachel Sanders, Nancy Ellen Sanders, James Sanders, John H. Sanders, James M. Sanders and Izey May Sanders, William Ercell Sanders, Nancy Reynolds.

James Bruton Nichols, Orin Mayberry Nichols, John William Beffle Nichols, Della May Nichols, Nancy Velmar Nichols, James William Nichols, Mamie May Nichols, Myrtle Nichols, Lonie Alta Nichols. Poly Bowen (nee Cooper), Jane Campbell (nee Cooper), William Houston Bowen, George Washington Bowen, Rosie Isable Higgins (nee Bowen) Nancy Marthena Bowen, Elizabeth Jane Bowen, James Spencer Bowen, Jessie Anderson Bowen, jr, Eliza Jane Bowen, Leona May Bowen, Rosa Evelina Bowen, Jessie Anderson Bowen, Jr., William Quitman Higgins (Nancy J. Long nee Bowen, now deceased), Maudie Long, William Long, George Long, Sidney Long, Nearly Long and _____ Long.

James Salathiel Campbell, Leona Isabel Campbell, Melinda Lonella Campbell, Walter Scott Campbell, Amanda Jane Ofolter (nee Campbell, Charlie J. Ofolter, John P. Ofolter, Amanda M. Ofolter, Mary Rebecca ~~Sanger~~ Martin, (nee Cooper), Clodonia Martin, James Henry Martin, George Washington Martin, Rosa Clery Martin. (Nancy Cooper, now deceased).

And it appearing that the following named parties have intermarried with the above named parties, who are Indians by blood, on the date and under the laws hereafter mentioned, to-wit:- William Bluford Brown, (married to Rebecca Cooper under the laws of Arkansas in or about the year of 1868), Andrew Jackson Peck (married to Polly Ann Brown under the laws of Arkansas in the year 1887), Sarah Brown, nee Johnson (married to George G. Brown, under the laws of Arkansas in the year of 1894, Lizzie Sanders, nee Harris, (married to Jessie Wilson Sanders under the laws of Missouri in the year 1892, Martha Jane Sanders, nee Barnes, married to Joseph Sanders under the laws of Missouri in the year 1885), Henry Reynolds (married to Minerva Sanders under the laws of Arkansas in the year

Nancy Jane Brown, nee Hurin, (married to William Knighten Brown under the laws of Arkansas in or about the year 1879) Amanda Brown nee Kelly (married to Caswell Marion Brown under the laws of Arkansas in or about the year 1885.)

James M artin, John Roy Sanders, and Earl Long, be admited therein as

"Dawes Commission", and have duly appealed therefrom to this Court.

And it appearing that the following named persons are Choctaw Indians by blood and are all ~~the~~ residents of the Indian Territory, except Samuel T. Cooper, William Houston Cooper, John Cooper, Jr., Cynora Ann Cooper, to-wit:- Rebecca Brown (nee Cooper), William Wallace Brown, Caswell Marion Brown, Polly Ann Peck (nee Brown), George W. Brown, Nancy Alice Brown, Bettie Brown, Sarah Brown, Becky Brown, Mary Brown, Maggie Brown, Alice Brown, George Brown, Willie Brown, Charlie Brown, Willie Brown, Florence Peck, Oscar Peck, Benjamin Franklin Peck, Grant Peck, Andrew Peck, Willie Ella Peck, Arty Vincie Peak Sanders, John Newton Sanders, Jessie Wilson Sanders, Joseph Munroe Sanders, Elijah McFadden Sanders, ~~[illegible]~~ Amanda Minerva Sanders Reynolds, (nee Sanders), Jasper Ostian Sanders, Munroe Sanders, William Newton Sanders, Thomas Wilson Sanders, Minnie Rachel Sanders, Nancy Ellen Sanders, James Sanders, John T. Sanders, James M. Sanders and Izey May Sanders, William Lorell Sanders, Nancy Reynolds.

James Preston Nichols, Orin Mayberry Nichols, John William Peffle Nichols, Nella May Nichols, Nancy Volmar Nichols, James William Nichols, Mamie May Nichols, Myrtle Nichols, Lonie Alta Nichols. Polly Bowen (nee Cooper), Jane Campbell (nee Cooper), William Houston Bowen, George Washington Bowen, Rosie Isable Higgins (nee Bowen), Nancy Martha Bowen, Elizabeth Jane Bowen, James Spencer Bowen, Josie Anderson Bowen, Jr, Eliza Jane Bowen, Leona May Bowen, Rosa Evelin Bowen, Jennie Anderson Bowen, Jr., William Quitman Higgins (Nancy J. Long nee Bowen, now deceased), Walter Long, William Long, George Long, Sidney Long, Pearly Long and _____ Long.

Newton Calhoun Campbell, Leona Isabel Campbell, Melinda Lonella Campbell, Walter Scott Campbell, Amanda Jane Ofolter (nee Campbell, Charlie J. Ofolter, John F. Ofolter, Amanda M. Ofolter, Mary Rebecca Stamper Martin, (nee Cooper), Clodonia Martin, James Henry Martin, George Washington Martin, Rosa Clery Martin. (Nancy Cooper, now deceased).

And it appearing that the following named parties have intermarried with the above named parties, who are Indians by blood, on the date and under the laws hereafter mentioned, to-wit:-

William Blueford Brown, (married to Rebecca Cooper under the law of Arkansas in or about the year of 1866), (Andrew Jackson Peck (married to Polly Ann Brown under the laws of Arkansas in the year 1887), Sarah Brown, nee Johnson (married to George W. Brown, under the laws of Arkansas in the year of 1894, Lizzie Sanders, nee Martin, (married to Jessie Wilson Sanders under the laws of Missouri in the year 1892, Martha Jane Sanders, nee Barnes, married to Joseph Sanders under the laws of Missouri in the year 1885), Henry Reynolds (married to Minerva Sanders under the laws of Arkansas in the year

(Nancy Jane Brown, nee Hurin, (married to William Knighten Brown under the laws of Arkansas in or about the year 1879) Amanda Brown nee Kelly (married to Caswell Marion Brown under the laws of Arkansas in or about the year 1885.)

John Roy Sanders and Earl Long, and that the names of Robert Lawrence Martin, John Roy Sanders, and Earl Long, be admited therein as

I 1887),Sallie Sanders,nee Pulliam (married to Jasper Ostein Sanders under the laws of Akansas in the year 1884) Nancy Caroline Nichols, nee Bert (married to James Burton Nichols under the laws of Arkansas in the year 1892)Amanda Melvina Nichols,nee Shelton (married to Orin Cherry Nichols under the laws of Arkansas in the year 1871) Louisiana Bowen,nee Bowman (married to William Houston Bowen under the laws of Arkansas in the year of 1872) Mary Bowen nee Warren,(married to George Washington Bowen under the laws of Arkansas in the year 1889) Louisa Higgins (married to Rosa Isabel Bowen under the laws of Arkansas in the year of 1893) Al Ofolter (married to Amanda Jane Campbell under the laws of Arkansas in the year of 1890) Alex Martin (married to Mary Rebecca Cooper under the laws of Arkansas in the year 1810)

And it appearing to the court from the Master's report and from the evidence in the case that each,every and all of the above named parties are entitled to enrollment and to citizenship in the Choctaw Nation except the intermarried parties hereinafter named.

It is therefore ordered,decreed and adjudged that the Master's report be confirmed in all respects except as to the exceptions thereto which exceptions are sustained as to the non-residents and that the following named parties be and the same are hereby admitted to citizenship and enrollment in the Choctaw Nation as Choctaw Indians by blood,to- it: Rebecca Brown,(nee Cooper,)William Leighton Brown,Cassell Marion Brown,Polly Ann Peck,(nee Brown) George C.Brown,Nancy Alice Brown,Settie Brown,Sarah Brown,Becky Brown,Mary Brown,Maude Brown,Alice Brown,George Brown,Susie Brown, Maudie Brown,Willie Brown,Blossom Peck, Mary Peck,Benjamin Grant Peck,Andrew Peck,Willie Mae Peck,Orty Mincy Sanders,John Newton Sanders,Jessie Wilson Sanders,Joseph Monroe Sanders,Elijah Oftien Sanders,Amanda Minerva Sanders,Jasper Ostein Sanders,Mary Sanders, Monroe Sanders,William Newton Sanders,Thomas Wilson Sanders,Minnie Rachel Sanders,Nancy Allen Sanders,James Sanders,John N.Sanders, Joseph R.Sanders,Izey May Sanders,William Orrell Sanders,Mary Reynolds Sanders,James Burton Nichols,Ora Mayberry Nichols,John William Riffle Nichols,Bella May Nichols,Nancy Velmar Nichols, James Willis Nichols,Maggie May Nichols,Myrtle Nichols,Lonie Alto Nichols,Polly Bowen,nee Cooper,)Jane Campbell,(nee Cooper) William Houston Bowen,George Washington Bowen,Rosa Isabel Bowen Higgins (nee Bowen),Nancy Bartmona Bowen,Elizabeth Jane Bowen, James Spencer Bowen,Jessie Anderson Bowen-Jr.,Eliza Jane Bowen,Leona May Bowen,Rosa Eveline Bowen,Jessie Anderson Bowen,William Quitman Higgins,Nancy J.Long,nee Bowen,now deceased)Maudie Long,William Long,George Long,Sidney Long,Pearly Long and _____ Long (Youngest child of Mrs. Long.)

Jane Salatiel Campbell,Leona Isabel Campbell,Lucinda Lonella Campbell,Walter Scott Campbell,Amanda Jane Ofolter (nee Campbell),Charley J.Ofolter,John F.Ofolter,Amanda M.Ofolter,Mary Rebecca Martin (nee Cooper) Caldonia Martin,James Henry Martin,George Washington Martin Rosa Gleny Martin,(Nancy Cooper,now deceased),Samuel H.Cooper, William Houston Cooper,John Cooper-Jr.,Dora Ann Cooper.

And it is further ordered decreed and adjudged that the following named parties be and the same are hereby admitted to enrollment and to citizenship in the Choctaw Nation as intermarried citizens,as follows,to-wit: William Bluford Brown,Andrew Jackson Peck,Nancy Caroline Nichols,Kentish Bowen. And the following intermarried parties be and the same are hereby rejected to-wit: Nancy Jane Brown,Sarah Brown,Lizzie Sanders,Martha Jane Sanders,Henry Reynolds Sallie Sanders,Amanda Melvina Nichols,Mary Bowen,Louis Higgins,Al Ofolter and Alex Martin because they have married since the year 1876 and not in accordancewith the Indian laws.

Hosea Townsend-Judge.

I,C.M.CAMPBELL,Clerk of the United States Court for the Southern District in the Indian Territory do hereby certify the above to be a true,complete and perfect transcript of an order of court made on the 20th day of December 1897 as the same appears of record on the J O U R N A L of said court.

In testimony thereof I have hereunto set my hand and the seal of said court at Ardmore in said Territory this 21st day of Dec.1897

C.M. Campbell
CLERK,U.S.CT.SO.DIST.IND.TER.

Martin, John Ray Sanders, and Earl Long, be admitted therein as

Form No. 207

TRANSCRIPT OF PROCEEDINGS.

United States Court,

INDIAN TERRITORY, ss:

Southern *District.*

At a stated term of the United States Court in the Indian Territory, Southern *District, begun and had in the Court Rooms, at* Ardmore *, in the Indian Territory, on the* 26th *day of* September *, in the year of our Lord one thousand eight hundred and ninety-* eight

Present, the Hon. Hosea Townsend *, Judge of said Court.*

On the 15th *day of* October *, 1898, being a regular day of said term of said Court, among the proceedings had were the following, to wit:*

Nancy J. Cooper, et al.

vs. #96 Judgment Oct. 15, 1898

Choctaw Nation.

This cause coming on to be heard by the Court on this the 15th day of October, 1898, upon the motion of the plaintiffs herein to have the judgment herein rendered on the 20th day of Dec. 1897, 1898 corrected as to the names of Robert Lawrence Martin, John Roy Sanders, and Earl Long, and it appearing that the names of Robert Lawrence Martin, and John Roy Sanders although appearing upon the aplication herein and admitted to citizenship in the Choctaw Nation, were through the mistake of counsel in drafting the precdpe of the judgment herein, omitted therefrom, and the name of Earl Long appeared in said judgment as "_____ Long" and further described as the youngest child of T.T. Young Long, And it appearing that the said judgment should be amended and corrected as to these three parties, so that justice may be done them. It is therefore ordered and decreed by the court that the judgment heretofore rendered in this cause on the 20th day of Dec. 1897, be amended and corrected as to Robert Lawrence Martin John Roy Sanders and Earl Long, and that the names of Robert Lawrence Lawrence Martin, John Roy Sanders, and Earl Long, be admitted therein as

citizens of the Choctaw Nation, and included in the list of names admitted therein to such citizenship, and that the name of _____ Long, be amended and corrected to Earl Long in accordance with the facts. The Clerk of this court is hereby ordered and directed to certify a copy of this judgment to the Dawes Commission, and said Commission is hereby ordered and directed to enroll said parties as citizens of the Choctaw Nation.

Hosea Townsend, Judge.

United States Court,

INDIAN TERRITORY,

Southern District. } ss:

I, C. M. Campbell, Clerk of the United States Court within and for the District and Territory aforesaid, do hereby certify, that the foregoing orders are truly taken, and correctly copied from Court Journals of said Court, as the same appears to me.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Ardmore this 17 day of June, A. D. 1897

C M Campbell
Clerk.

By ..... Deputy.

5 1899

No. 2533

United States Court,

INDIAN TERRITORY,

District.

vs.

TRANSCRIPT OF PROCEEDINGS IN SUIT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1901

ACTING CHAIRMAN

Assigned to C. R. Sanders.
See dispt letter Sept 6. /99.

Form No. 87.

TRANSCRIPT OF PROCEEDINGS.

United States Court,

INDIAN TERRITORY, ss:

Southern District.

At a stated term of the United States Court in the Indian Territory, Southern *District, begun and had in the Court Rooms, at* Ardmore *, in the Indian Territory, on the* 15th *day of* November *, in the year of our Lord one thousand eight hundred and ninety-* seven

Present, the Hon. Hosea Townsend *, Judge of said Court.*

On the 12th *day of* March *, 1898, being a regular day of said term of said Court, among the proceedings had were the following, to wit:*

Nancy J. Cooper, et al,

vs. #96, Judgment:

Choctaw Nation.

This day this cause coming on upon the motion of plaintiff's attorney to correct the judgment filed herein on Dec. 20th, 1897, at the present term of this court, and it appearing that an error was committed in the rendition of said judgment and the court being sufficiently advised in the whole case, doth order, adjudge and dearee that said judgment be corrected so as to admit the applicants, Nancy June Boen, Sarah Boen, Lizzie Sanders, Martha Jane Sanders, Sallie Sanders, Amanda Malvina Nichols, Mary Boen, and Louisa Higgins, as members of the Choctaw Tribe of Indians by intermarriage, It appearing that they ew rejected by the former judgment of this court by oversight and mistake. It is further adjudged that each of the above named parties have all of the rights, privileges and immunities as members of the Choctaw Tribe of Indians by intermarriage. And the Clerk of this court in transmitting the original judgment of this court to the Commission to the Five Civilized tribes of Indians is directed to transmit this supplemental judgment, and same is intended to be, and shall be a part of the original judgment herein, and the said commission is hereby directed to enroll each and all the above named parties in connection with the other

parties named in the original judgment as members of the Choctaw Tribe of Indians by intermarriage. To all of which the defendant in open court excepted.

United States Court,

INDIAN TERRITORY, } ss:

Southern District.

I, C M Campbell, Clerk of the United States Court within and for the District and Territory aforesaid, do hereby certify, that the foregoing orders are truly taken, and correctly copied from Court Journals of said Court, as the same appears to me.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, at Ardmore

this 17 day of June, A. D. 1899

C M Campbell
Clerk.

By , Deputy.

Exhibit A.

Marriage Certificate

Mr. J. C. Sanders

TO

Miss Sallie Hosted

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1901
ACTING CHAIRMAN

Recorded, Book D. Page 506

Returned and filed this 20 day of April 1895.

Jno. R. Adey Clerk.

Certificate of Record.

State of Arkansas.

County of [illegible]

Clerk of the County Court of said county, certify that the above License for and Certificate of the Marriage of Mr. [illegible] and Mr. [illegible] was filed in my office on the [illegible] day of [illegible] 1895, and the same is duly recorded on page [illegible] of Book [illegible] of Marriage Records.

Witness, my hand and the seal of said Court this [illegible] day of [illegible] 1895.

[illegible]

B. [illegible] D. C.

Form No. [illegible]

For sale by Arkansas Democrat Co., Blank Book Manufacturers, Printers and Stationers, Little Rock, Ark.

MARRIAGE LICENSE

STATE OF ARKANSAS, COUNTY OF Searcy

To any Person Authorized by Law to Solemnize Marriage Greeting:

You are hereby Commanded to solemnize the rite and publish the bans of Matrimony between Mr. J. C. Sanders of Blanco in the County of Searcy and State of Arkansas aged 22 years and Miss Sallie Hurst of Blanco in the County of Searcy and State of Arkansas aged 20 years according to Law, and do you officially sign and return this License, to the parties herein named.

Witness my hand and official seal this 8 day of March 1895

J. E. Adams

County Clerk.

CERTIFICATE OF MARRIAGE

STATE OF ARKANSAS, COUNTY OF

of N. Prairie do hereby certify that on the 10 day of March 1895 I did, duly and according to **LAW**, as commanded in the foregoing **LICENSE**, solemnize the rite and publish the bans of **MATRIMONY** between the parties therein named.

Witness my hand this 10 day of March 1895

My Credentials are recorded in Recorders Office,

County, Ark. Book Page

[illegible]

NOTE—This License with the certificate duly executed and officially signed, must be returned to the office where it is issued within sixty days from the date of license, under penalty of forfeiture of the license.

INDEXED

INDIAN. 20

IN RE

Application for Enrollment of

INFANT CHILD,

Clara Sanders

as a citizen of

Choctaw Nation.

Approved MAY 11 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 14 1902

ACTING CHAIRMAN.

CHOCTAW

D 692

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Clair Sanders, born on the 12 day of Sept, 1898
(Here insert name of child.)
Name of Father: Jasper Osborn Sanders a citizen of the Choctaw Nation.
Name of Mother: Sallie Sanders a citizen of the by Intermarriage Nation.
Post-office Jenal I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

I, Sallie Sanders, on oath state that I am 37 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of J. O. Sanders, who is a citizen, by Birth, of the Choctaw Nation; that a Girl (male or female.) child was born to me on 12 day of Sept 1898 that said child has been named Clara Sanders, and is now living.

Sallie Sanders

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 10 *day of* May 1902.

Jas M. Stewart
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
State of Arkansas county of Sevier District,

I, Sudie Greenhaw, a Midwife, on oath state that I attended on Mrs. Sallie Sanders, wife of J. O. Sanders on the 12 day of September, 1898; that there was born to her on said date a Girl (male or female) child; that said child is now living and is said to have been named Clair Sanders

Sudie Greenhaw.

WITNESSES TO MARK:
(Must be Two Witnesses.)
S. C. Greenhaw
P. G. Hayes

Subscribed and sworn to before me this 10 *day of* April 1902.

W. B. Jones
ex officio Justice of the Peace
and ex officio notary public

CHOCTAW.

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Bert F. Sanders

as a citizen of

Choctaw Nation.

Approved MAY 14 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 14 1902

ACTING CHAIRMAN.

CHOCTAW.

D692

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Bert Franklin Sanders, born on the 29 day of Sept, 1900
(Here insert name of child.)
Name of Father J. B. Sanders a citizen of the Choctaw Nation.
Name of Mother: Sallie Sanders a citizen of the Indian Manage Nation.
Post-office Tenal I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
District.

I, Sallie Sanders, on oath state that I am 27 years of age and a citizen, by Indian Manage, of the Choctaw Nation; that I am the lawful wife of J. B. Sanders, who is a citizen, by Birth, of the Choctaw Nation; that a male (male or female.) child was born to me on 29 day of Sept 1900; that said child has been named Bert Franklin Sanders, and is now living.

Sallie Sanders

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 10 *day of* May 1902

Jas M Stewart
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
State of Ark. County of Carroll District,

I, P. G. Hayes M.D., a Doctor, on oath state that I attended on Mrs. Sallie Sanders, wife of J. B. Sanders on the 29 day of September, 1900; that there was born to her on said date a Male (male or female.) child; that said child is now living and is said to have been named Bert Franklin Sanders.

P. G. Hayes
Bloomer Searcy County Ark.

WITNESSES TO MARK:

(Must be Two Witnesses.) John H Boyd
McSeat

Subscribed and sworn to before me this 17 *day of* April 1902

W. B. Tyler Justice of the peace
NOTARY PUBLIC

CHOCTAW. INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Lawrance Sanders

as a citizen of

CHOCTAW. Nation.

Approved JUN 9 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 2 1902

ACTING CHAIRMAN.

CHOCTAW.

D692

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Lawrence Sanders (Here insert name of child), born on the 16 day of April, 1902
Name of Father: Jasper Oster Sanders a citizen of the Choctaw Nation.
Name of Mother: Sallie Sanders a citizen of the By Intermarriage Nation.
Post-office Tuttle Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY District.

I, Sallie Sanders, on oath state that I am 27 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that I am the lawful wife of Jasper Oster Sanders, who is a citizen, by Birth, of the Choctaw Nation; that a Male (male or female.) child was born to me on 16 day of April 1902 that said child has been named Lawrence Sanders, and is now living.

Sallie Sanders

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 *day of* May 1902

Jas M Stewart NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY. District,

I, F W Ewing M D, a Doctor, on oath state that I attended on Mrs. Sallie Sanders, wife of Jasper Oster Sanders on the 16 day of April, 1902, that there was born to her on said date a Male (male or female.) child; that said child is now living and is said to have been named Lawrence Sanders

F. W. Ewing, M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 *day of* May 1902

Jas M Stewart NOTARY PUBLIC

7-D-692.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the applications of Clara Sanders (Clair Sanders), Bert F. Sanders (Birt Franklin Sanders) and Lawrance Sanders for enrollment as citizens by blood of the Choctaw Nation.

--oOo--

The applicants, Clara Sanders (Clair Sanders), Bert F. Sanders (Birt Franklin Sanders) and Lawrance Sanders, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father, Jasper Ostean Sanders.

The right of the applicants' father, Jasper Ostean Sanders (as Jasper Ostrin Sanders or Jasper Ostion Sanders), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 73 upon the Tishomingo docket of said court, it is hereby ordered that the applications of Clara Sanders (Clair Sanders), Bert F. Sanders (Birt Franklin Sanders) and Lawrance Sanders for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

DEC 1 2 1904

Choctaw D-692

COPY.

Muskogee, Indian Territory, December 13, 1904.

Jasper Ostean Sanders,

Tertal, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 12, 1904, dismissing the application for the enrollment of your minor children, Clara Sanders (Clair Sanders), Bert F. Sanders (Birt Franklin Sanders) and Lawrance Sanders as citizens by blood of the Choctaw Nation.

Respectfully,

James Bixby.

Chairman.

Registered.

Insl. 7-D-692.

Choctaw D 692

COPY.

Muskogee, Indian Territory, December 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated December 12, 1904, dismissing the application for the enrollment of Clara Sanders (Clair Sanders) Bert F. Sanders (Bert Franklin Sanders) and Lawrance Sanders as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-692.

T.D.698

Muskogee, Indian Territory, July 24, 1906.

Jasper Osteian Sanders,

Terral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 17, 1906, transmitting the affidavits of Sallie Sanders and J. A. Walker to the birth of Emma Sanders, child of Jasper Osteian Sanders and Sallie Sanders, December 22, 1904.

Respectfully,

Commissioner.

7-B-692

Muskogee, Indian Territory, July 19, 1906.

Jasper Osteen Sanders,

Terral, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 1, 1906, asking relative to the application for the enrollment of your three children Clara, Burt Franklin and Larnee Sanders.

In reply you are advised that it appears from the records of this office that you were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court November 29, 1904, in case No. 73 on the Tishomingo docket. The applications for the enrollment of your children, Clara, Bert Franklin and Lawrance Sanders, were dismissed by the Commission to the Five Civilized Tribes December 12, 1904.

Replying to that portion of your letter in which you state you have a child born December 22, 1903, for whom you want to make application, you are advised that you should have the inclosed blank executed and return to this office as early as practicable.

Respectfully,

Commissioner.

B C

Warning notice.

Choctaw D 998

Muskogee , Indian Territory, November 3, 1902.

G. W. Bond,

Terral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 27, 1902, in which you desire to be advised if Jasper Sanders has been admitted as a citizen of the Choctaw or Chickasaw Nation by judgment of the United States Court.

In reply to your letter you are advised that it appears from our records that on December 10, 1901, Jasper Gatean Sanders, 29 years of age, of Roff, Indian Territory, made application to this Commission for enrollment as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 20, 1897 in Choctaw citizenship case No. 98.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 7, 1908.

Jasper Octavus Sanders,

Terral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, enclosing proofs of birth of Claire and Birt Franklin Sanders, the children of Jasper Octavus and Sallie Sanders, offered by you for filing in support of their application for enrollment as citizens of the Choctaw Nation. The same are returned to you herewith for the reason that it is noted the affidavits of the attending physician and midwife at the birth of these children are acknowledged before W. H. Tyler, a Justice of the Peace and that there is attached to such affidavits no impression seal of the official taking such acknowledgments. The caption of the affidavits states that the same were taken in the Indian Territory but the Commission has no knowledge of any Justice of the Peace having jurisdiction in the Indian Territory.

It is suggested that in the correction of these affidavits that the same be sworn to before a notary public either in the Indian Territory or within the jurisdiction where the same were executed. For the purpose of this correction there is enclosed you herewith two blank applications for the enrollment of infant

children. Upon receipt of the parents' or the rights of these children in proper form, the matter will receive further consideration.

Yours truly,

Commissioner in Charge.

P-D-622
Rec. 7 31
2 50

S D 898

Muskogee, Indian Territory, May 14, 1908.

Jasper Ostean Sanders,

Terral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant enclosing the application for enrollment as a citizen of the Choctaw Nation of Clara Sanders, infant daughter of Jasper Ostean and Sallie Sanders, born September 12, 1906; also the application for enrollment as a citizen of the Choctaw Nation of Bert Franklin Sanders, infant son of Jasper Ostean and Sallie Sanders, born September 29, 1903 and the same being in proper form have been accepted and filed as evidence of the birth of these children.

It is stated in your letter that you have another child, born April 16, 1908; that you desire to make application for; there is enclosed you herewith a blank application for the enrollment of an infant child. Upon return of the same properly executed, the matter will receive proper consideration.

Yours truly,

D. C.

Acting Chairman.

7 D 692

Muskogee, Indian Territory, June 4, 1902.

Joseph O. Sanders,

Terral, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, enclosing the application for enrollment as a citizen of the Choctaw Nation of Lawrence Sanders, infant son of Jasper O. and Willie Sanders, born April 16, 1902, and the same being in proper form has been accepted and filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

D. 683

George H. Jones

Record transferred to
Choctaw card # 1149

D 69

Belle C. Beames

Record transferred to
Choctaw card #3775

D. 6

[redacted] Scott Nevins

Vivian

Record transferred to
Choctaw card #5684

Walter Mc Pere

Record transferred t
Choctaw card # 28

Choctaw 2-087

Mary Underwood

Mary Underwood.

DISMISSED

MAY 13 1904

Wife of John Underwood
on Choctaw card #172.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

Record in the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of:

MARY UNDERWOOD ---------- 7-D-697.

----o----
---o---
--o--
-o-
o

Department of the Interior,
Commission to the Five Civilized Tribes,
D-697 Muskogee, Indian Territory, January 28, 1902.

In the matter of the application of Mary Underwood for enrollment as an intermarried citizen of the Choctaw Nation. Mary Underwood being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Mary Underwood.
Q How old are you? A I am eighteen.
Q Where do you live? A I live near Wapanucka.
Q What is your post-office address? A Wapanucka.
Q Do you live in the Choctaw or Chickasaw Nation? A Choctaw.
Q How long have you lived in the Choctaw Nation? A Five years I guess.
Q Have you lived there continuously for the past five years? A Yes sir.
Q Where did you live before that? A I just lived round. I was raised in Arkansas.
Q Born in Arkansas? A Yes sir.
Q And lived there until you moved to the Choctaw Nation five years ago? A Yes sir.
Q What is your father's name? A Ed Pritchard.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Belle Pritchard .
Q Is your mother living? A No sir.
Q Did your father or mother ever make any claim for citizenship in any of the Five Tribes of the Indian Territory? A No sir.
Q Are they both white persons? A Yes sir.
Q Neither of them have ever made any claim for citizenship as an Indian? A No sir.
Q Have you ever made any claim to citizenship by blood of any of the Five Tribes in Indian Territory? A No sir.
Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
Q Have you ever made application to be enrolled or admitted as a citizen of the Choctaw Nation? A No sir.
Q Is your name upon any of the tribal rolls of the Choctaw Nation? A No sir.
Q You make application at this time for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw man that you married? A John Underwood.
Q How old is he? A Twenty-three.
Q What is his father's name? A Jim Underwood.
Q What is his mother's name? A Epsie Underwood.
Q Where does he live? A About four mile of town - Wapanucka.
Q In the Choctaw Nation? A Yes sir.
Q How long has he lived in the Choctaw Nation? A About eight years.
Q Is he a citizen of the Choctaw Nation,? A Yes sir.

Q Do you know how he became a citizen? A No sir.

The records of the Commission examined and the name of John Underwood, 21 years of age, is found upon Choctaw roll card, field No. 4172 he having been listed for enrollment August 30, 1899, his rights to citizenship in the Choctaw Nation being by virtue of a judgment of the United States Court for the Central District of the Indian Territory, rendered August 24, 1897 in Choctaw citizenship case No. 32.

Q When did you marry John Underwood? A Last October.
Q What year? A The 17th.
Q What year? A 1901.
Q Where did you marry him? A I was at home.
Q At your home? A Yes sir.
Q Were you married by a minister? A Yes sir.
Q Did you obtain a license to marry? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.

There is offered in evidence, marked Exhibit "A" filed, and made a part of the record of this application, the marriage license and certificate of J. R. Underwood and Mary Pritchard of the 15th day of October, 1901, the same being recorded in book 2 of the marriage records of the Central District of the Indian Territory , page 5.

Q Who married you? A C. J. Ralston.
Q Had you ever been married prior to the time you married John Underwood under this license that you have here offered? A No sir.
Q Was he ever married to any other woman before he married you? A No sir.
Q Is this marriage license and certificate issued by the United States Court for the Central District, Indian Territory, the only marriage license and certificate between you and John Underwood? A Yes sir.
Q Are you and John Underwood now living together as man and wife? A Yes sir.
Q You both live in the Choctaw Nation? A Yes sir.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 28th day of January, 1902.

Clara Mitchell Wood Notary Public.

Exhibit "A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 28 1902

ACTING CHAIRMAN.

No. 1918

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Ulta DISTRICT. } SCT:

I, E J Lamin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. J R Newman and Mary Tuttle was filed in my office in said Territory and District the 19 day of Oct A. D. 1901 and duly recorded in Book 2 of Marriage Record, Page 25.

WITNESS my hand and seal of said Court, at Ulta this 19 day of Oct A. D. 1901

E J Lamin Clerk.

By Amy R Newman

7—800

No. 1705

FORM No. 508.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **Banns of Matrimony** *between Mr J R Wilmoth of Nuyaunka in the Indian Territory, aged 20 years, and Mr Mary Pritchard of in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal, this 10 day of Oct, A. D. 190 1.

W R Timmons
Deputy.

C J Harris
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.
THE INDIAN TERRITORY.
_____ DISTRICT. } ss:

I, C. J. Pritchard, a Minister Ord. Church do hereby CERTIFY, that on the 17 day of October, A. D. 190 1, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 17th day of Oct, A. D. 190 1

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book "C", Page 2[illegible]

C J Pritchard
a Minister Ord. Church

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00)

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

In the matter of the application of Mary Underwood for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-697.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were also notified by registered mail that the application of Mary Underwood for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 16th day of April, 1902, for final consideration.

Now on this 16th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 19 day of April, 1902.

Clarence Shellwood
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
TWOMAS B. NEEDLES
C. R. BROCKUNIER

ALLISON L. AYLESSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-497

Muskogee, Indian Territory, March 5, 1902.

Mary Underwood,

Wapanucka, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 16th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Commissioner in Charge.

Register.

7-D-697.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

In the matter of the application of Mary Underwood for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Mary Underwood, nee Pritchard, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one John Underwood. The right of the applicant's husband, John Underwood, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 78, upon the South McAlester docket of said court, it is hereby ordered that the application of Mary Underwood for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

Muskogee, Indian Territory,

MAY 13 1904

Choctaw D-697

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mary Underwood,

Wapanucka, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. T-D-697.

Choctaw D-697

COPY.

Muskogee, Indian Territory, May 13, 1904.

J. G. Walls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing the application of Mary Underwood for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-697.

Choctaw D-697.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Mary Underwood for enrollment as a citizen of the Choctaw Nation by intermarriage.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-697.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 26 1904

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application
of May Underwood, Intermarried
Choctaw; Number 4251.

AFFIDAVIT.

On this day personally appeared before me, the undersigned authority, May Underwood, who having been by me first duly sworn according to law, states on her oath that she is the identical person who has applied to the Commission to the Five Civilized Tribes to be enrolled as an intermarried Choctaw, by virtue of having heretofore married Harrison C. Underwood, a full-blood Choctaw Indian.

Affiant states that said Harrison C. Underwood was commonly called "Colon Underwood", and that he was born and reared in the Choctaw Nation, and that at the time of her marriage to him he was residing in the Choctaw Nation, in Atoka County, and that she was also residing in Atoka County, Choctaw Nation; that they have resided in the Choctaw Nation ever since said marriage.

Affiant states further that on the 18th day of November, 1903, the said Colon Underwood died at his home near Atoka, in Atoka County, Choctaw Nation.

Affiant further states that prior to the death of said Harrison C. Underwood he had been enrolled by and approved by the Secretary of the Interior, and had filed upon his lands.

May Underwood

Subscribed and sworn to before me on this the 21st. day of March, A. D., 1904.

D. W. Lueborough.
Notary Public.

[illegible]

Muskogee, Indian Territory, March 26, 1906.

Joseph G. Wills,

Attorney at Law,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing the affidavit of Mary Underwood, stating that at the time of her marriage to Harrison G. Underwood, (who was commonly called Solon Underwood), that both her husband and self were residents of Ada, County, Chickasaw Nation, and that they have since their marriage resided continuously in said Nation, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Mary Underwood, as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

7-D-697

Muskogee, Indian Territory, January 17, 1905.

Mary Underwood,

Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 6, 1905, addressed to the Secretary of the Interior which has been by him referred to the Commission to the Five Civilized Tribes for consideration and appropriate action. Therein you state that you have been "knocked out" and ask if you can receive pay for your improvements.

In reply to your letter you are informed that it appears from our records that John Underwood having been denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court the application of his wife Mary Underwood for enrollment as an intermarried citizen of the Choctaw Nation was on May 13, 1904, dismissed by the Commission.

As to the matter of compensation for the improvements placed by you on lands of the Choctaw and Chickasaw Nations you are advised that this is a matter which does not come within the jurisdiction of the Commission and it is therefore impracticable to give you any information on the subject.

Respectfully,

Chairman.

Cone Stove

Cora Stover.

DISMISSED

NOV [illegible]

Wife of Theodore Stover on Choctaw card # 5172.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment of Cora Stover as a citizen by intermarriage of the Choctaw Nation.

CORA STOVER 7-D-698.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 3, 1902.

In the matter of the application of Cora Stover for enrollment as a citizen by intermarriage of the Choctaw Nation.

The said Cora Stover being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? Cora Stover.
Q How old are you? A Nineteen years old.
Q What is your post office address? A Marlow, Indian Territory.
Q Are you a resident of the Indian Territory? A Yes, sir.
Q What nation? A Chickasaw.
Q How long have you been a resident of the Chickasaw Nation? A eight years.
Q Have you maintained a continuous residence there for that length of time? Yes, sir.
Q Where did you live before that? A In Texas.
Q Born in Texas? A Yes, sir.
Q Did you live there until you moved to the Chickasaw Nation in the Indian Territory? A Yes, sir.
Q What is your father's name? A George Mark Renfrow.
Q Is your father living? A No, sir.
Q What is your mother's name? A Eliza Jane Mitchell.
Q Is your mother living? A Yes, sir.
Q Your father and mother both white persons? A Yes, sir.
Q Have they ever made application for enrollment as citizens of any tribe of Indians? A No, sir.
Q Are you a white person? A Yes, sir.
Q Have you ever made any claim to citizenship in any tribe of Indians in the Territory? A No, sir.
Q Have you ever drawn any payment as member of any tribe of Indians in the Indian Territory? A No, sir.
Q Have you ever been enrolled as a citizen of any of the five tribes of Indians in the Territory? A No, sir.
Q You are making application at this time for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband? A Theodore Stover.
Q How old is he? A Twenty-five.

Q And what is his father's name? A P. O. Stover.
Q What is his mother's name? A Annie Stover.
Q How did your husband become a citizen of the Chickasaw Nation?
A I don't know.

The name of Theodore Stover, twenty-two years of age, appears upon the records of the Commission, on Choctaw Roll, [illegible] number 5172, having been so listed September 24, 1898. The said Theodore Stover was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District, Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897, in Choctaw citizenship case No. 135.

Q Where did you marry Theodore Stover? A In Marlow.
Q When? A On the eighth of December.
Q What year? A 1901.
Q Who married you? A Wyatt.
Q Is he a preacher? A Yes, sir.
Q Did you obtain a license to marry Theodore Stover? A Yes, sir.
Q Have you the marriage license and certificate now? A Yes, sir.

Applicant here offers in evidence marriage license marked exhibit A, which is made a part of this application. The marriage license was issued by C. M. Campbell, clerk of the United States Court, to Theodore Stover, to marry Cora A. Renfrew, same being dated November 29, 1901, and attached thereto is a certificate of W. V. Wyatt as to the marriage by him of Theodore Stover to Cora A. Renfrew on December 8, 1901.

Q Have you ever been married to any other person prior to your marriage to Theodore Stover? A No, sir.
Q Had he ever been married to any other woman? A Yes, sir.
Q To whom? A Josie Southerland.
Q Is she dead? A Yes, sir.
Q When did she die? A I don't know just the time she died. It was three or four years ago.
Q At the time you and Theodore Stover were married did either of you have either a husband or wife living from whom you were separated or divorced? A No, sir.
Q Were you ever married to Theodore Stover under a license duly issued by the tribal authorities of the Chickasaw Nation? A No, sir.
Q The marriage ceremony performed under the license issued to you by the clerk of the United States Court is the only ceremony and the only time that you have ever been married to Theodore Stover? A Yes, sir.
Q There has never been any subsequent ceremony? A No, sir.
Q Do you and Theodore Stover now live together as husband and wife?
A Yes, sir.
Q Never been separated since you were married? A No, sir.

S. A. Apple, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on February 3, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of February, 1902.

S A Apple

Subscribed and sworn to before me this 4 day of February, 1902.

Notary Public.

Exhibit "A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 3 1902

ACTING CHAIRMAN.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
SOUTHERN DISTRICT.)

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of,

MR. Theodore Stover

AND

MRS. Ora A. Renfrow

were filed in my office in said Territory and District the 21st day of Dec, A. D. 1901., and duly recorded in Book F. of Marriage Record, Page 114.

WITNESS my hand and Seal of said Court, at Ardmore, this 15 day of Jan, A. D. 1902.

C. M. Campbell,
Clerk.

☞ Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

Ardmorelte Steam Print

Filed Dec. 21, 1901
8 a. m.
C. M. Campbell
Clerk

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } *ss:*

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Theodore Stone, of Marlow in the Indian Territory, aged 25 years, and Miss Cora A. Penfrow, of Marlow in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 29th day of November, A. D. 1901

C. M. Campbell
Clerk of the United States Court.

J. W. Sprake, Deputy.

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } *ss:*

I, U. V. Wyatt an Ordained Minister do hereby certify, that on the 8th day of Dec., A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 9th day of Dec., A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, ~~Southern~~ Central District, at ~~Ardmore~~ McAlester, Book B., Page 221

U. V. Wyatt
an Ordained Minister

NOTE—The person officiating should fill in the spaces for book and page and sign here.

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of the Bondsmen Bond (Sec.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-638.

Muskogee, Indian Territory, March 5, 1902.

Cora Stover,

Marlow, Indian Territory

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 16th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. D. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

In the matter of the application of Cora Stover for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-698.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Cora Stover for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 16th day of April, 1902, for final consideration.

Now on this 16th day of April, 1902, this cause coming on to be heard, pursuantte said ~~xxxxx~~ notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear, either in person or by attorney.

---:---

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 19 day of April, 1902.

Clarence Mitchell Wood
Notary Public.

7-D-698.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cora Stover as a citizen by intermarriage of the Choctaw Nation

---

The applicant, Cora Stover, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to one Theodore Stover.

The right of the applicant's husband, Theodore Stover, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 68 upon the Tishomingo docket of said court, it is hereby ordered that the application of Cora Stover for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,
NOV 4 - 1904

Choctaw 2 [illegible]

COPY!

Muskogee, Indian Territory, November [illegible] 1904.

Sara Steven,

Marlow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of this Commission dated November 4, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

[illegible]

Tams Bixby
Chairman.

Registered.

Incl. 7-D-698.

Choctaw D 698

COPY.

Muskogee, Indian Territory, November 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 4, 1904, dismissing the application for the enrollment of Cora Stever as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-D-698.

7-D-698.

Muskogee, Indian Territory, August 17, 1904.

Cora Stover,

Marlow, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

T-D-698
T-5172

Muskogee, Indian Territory, June 14, 1906.

Theodore Stover,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Cora Stover and David M. Montgomery to the birth of Hazel Stover and Harvey Stover, children of Theodore and Cora Stover, October 4, 1904, and September 23, 1905.

Respectfully,

Commissioner.

CANCELLED D-677

Slover.

DISMISSED
NOV 4 - 1904

Wife of Luther Slover on
Woodw card #5171.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

EUNICE STOVER 7-D-699.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 3, 1902.

In the matter of the application of Eunice Stover for enrollment as a citizen by intermarriage of the Choctaw Nation.

The said Eunice Stover, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A Eunice Stover.
Q How old are you? A Twenty-two.
Q What is your post-office address? A Marlow, Indian Territory.
Q What nation is that? A Chickasaw.
Q How long have you been a resident of the Chickasaw Nation? A About five years.
Q Have you maintained a continuous residence in the Chickasaw Nation for the past five years? A Yes, sir.
Q Where did you live prior to the time you took up your residence in the Indian Territory? A In Texas.
Q Were you born in Texas? A Yes, sir.
Q And you lived there up to the time you moved to the Chickasaw Nation? A Yes, sir.
Q Have you been out of the Territory during the past five years? A No, sir.
Q What is your father's name? A William C. Farris.
Q Is your father living? A No, sir, he's dead.
Q What is your mother's name? A Sarah Francis Farris.
Q Is she living? A Yes, sir.
Q Has she ever married since your father's death? A No, sir.
Q Your father and mother both white? A Yes, sir.
Q Have either of them ever made application for citizenship in any tribe of Indians in the Indian Territory? A No, sir.
Q Are you white? A Yes, sir.
Q Have you ever made any claim to citizenship as a member of any tribe of Indians in the Indian Territory? A No, sir.
Q And you now make application to be enrolled as a citizen of the Choctaw Nation by intermarriage?? A Yes, sir.

Q Have you ever been enrolled as a citizen of any nation of the Indian Territory? A No, sir.
Q What is the name of your husband? A Luther Stover.
Q What is his age? A Twenty-three.
Q What is his father's name? P. O. Stover.
Q His mother's name? A Annie Stover.
Q Is your husband enrolled asa member of the Choctaw Tribe of Indians? A Yes, sir.
Q How did he become a citizen of the Choctaw Nation? A I don't know. On his mother's side I think.

The name of Luther Stover appears upon the records of the Commission, on Choctaw Roll card, field No. 5171, having been so listed with his mother and father Annie and P. O. Stover, September 24, 1896, the said Luther Stover being admitted to citizenship in the Choctaw Nation by a judgment of the United States court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897, in Choctaw citizenship case No. 135.

Q When did you marry Luther Stover? A On the 25th day of December, 1901.
Q Where were you married? A About thirteen miles west of Fort Sill.
Q In Oklahoma? A Yes, sir.
Q Did you live there? A I was there with my brother and uncle.
Q Living there in Oklahoma? A Yes, sir.
Q How long had you been living there? A I had been there with my brother about three months.
Q Did you make that your home? A I was just over there with my uncle a while.
Q Didn't you state previously in your testimony that you had maintained a continuous residence in the Chickasaw Nation for the past five years? A I was not living there.
Q Now what does your residence in the Chickasaw Nation consist of? A We were just renters over there.
Q Where does your mother live? A She is over there in Comanche county now.
Q In Oklahoma? A Yes, sir.
Q That's not her home, is it? A She has no home.
Q Then with the exception of the three months you were with your uncle at the time of your marriage you have lived for the past five years in the Chickasaw Nation? A Yes, sir.
Q By whom were you married? A Judge Brown of Lawton.
Q Is he an official of Oklahoma? A Yes, sir.
Q Did you obtain a license to marry Luther Stover? A Yes, sir.
Q Where did you obtain the license? A At Lawton, Oklahoma, I guess.
Q Have you the marriage license and certificate? A Yes, sir.

The applicant here offers as exhibit A and to be made a part of this record and application, the certificate of Warren H. Brown, as to the marriage of Luther Stover and Eunice Farris, on the "25 day of December in the year of our Lord, 19 --"

Q The paper you have offered in evidence is merely a certificate of the probate judge who performed the marriage ceremony between you and Luther Stover; have you no other evidence of the marriage, haven't you got the license? A No, sir.
Q Were you ever married to any other man before you married Luther Stover on the 25th day of December, 1901? A No, sir.
Q Was he ever married to any other woman? A No, sir.
Q Were you ever married to Luther Stover at any other time than when you were married to him in Oklahoma? A No, sir.
Q Did you ever obtain any license to marry under the tribal laws of the Chickasaw Nation? A No, sir.
Q Have either one of you ever been married prior to this marriage on the 25th day of December, 1901? A No, sir.
Q Are you now living together as man and wife? A Yes, sir.
Q Were you ever divorced or separated since the day of this marriage? A No, sir.

S. A. Apple, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on February 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of February, 1902.

S A Apple

Subscribed and sworn to before me this 4" day of February, 1902.

Clara Mitchell Wood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

In the matter of the application of Eunice Stover for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-699.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March 1902, the attorneys for the Choctaw and Chickasaw nations were also notified by registered mail that the application of Eunice Stover for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 16th day of April, 1902, for final consideration.

Now on this 16th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear, either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 19 day of April, 1902.

Clarence Tidwell Dowd.
Notary Public.

TERRITORY OF OKLAHOMA, }
County of Comanche, } ss.

I, J. N. Hamill, Clerk of the Probate Court, within and for said County, Territory aforesaid, do hereby certify the annexed instrument to be a full, true and correct copy of a marriage license, and certificate of marriage, as the same appears of record in the office of said Court.

Witness my hand and the seal of said Court, this 14th. day of February, A. D. 1903.

J. N. Hamill
Clerk, Probate Court.

TERRITORY OF OKLAHOMA, }
County of Comanche, } ss.

I, Warren H. Brown, Judge of the Probate Court within and for the County of Comanche, Territory aforesaid, do hereby certify that J. N. Hamill, whose name is appended to the foregoing certificate as clerk of said Probate Court, was such Clerk when said certificate was signed, was duly commissioned and qualified to act as such Clerk, and that his signature and the seal of said Court thereto attached are genuine and entitled to full credence, and his said certificate is in due form.
Given under my hand this 14th. day of February, A. D. 1903.

Warren H. Brown
Probate Judge.

TERRITORY OF OKLAHOMA, }
County of Comanche, } ss.

I, J. N. Hamill, Clerk of the Probate Court within and for the County of Comanche, Territory aforesaid, do hereby certify that Warren H. Brown, whose name is subscribed to the foregoing certificate, is the Judge of said Court, duly commissioned and qualified according to law, and was such Judge at the time when his signature was affixed to said Certificate, and I further certify that the signature of said Warren H. Brown is genuine, and was affixed to said certificate in my presence.
Witness my hand and the seal of said Court this 14th. day of Feb. A. D. 1903.

J. N. Hamill
Clerk, Probate Court.

MARRIAGE LICENSE.

TERRITORY OF OKLAHOMA, }
Comanche COUNTY, } ss.

IN THE PROBATE COURT.

To any Person Authorized to Perform the Marriage Ceremony, GREETING:

You are hereby authorized to join in marriage Mr Luther Stowe and Miss Emma Jarris of the County aforesaid, whose ages, residence, etc., are as follows:

NAMES OF PARTIES		AGE	COLOR	PLACE OF BIRTH	RESIDENCE
Luther Stowe	GROOM	23		Texas	Marlow I. T.
Emma Jarris	BRIDE	20		Texas	Lawton O. T.

And of this license you will make due return to my office within thirty days from this date.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in Lawton O. T. in said County, this 24 day of December A. D. 1901

Seal

Warren H. Brown
Judge of the Probate Court.

CERTIFICATE OF MARRIAGE.

TERRITORY OF OKLAHOMA, SS.

I, Warren H. Brown (Name of Official or Minister.), Probate Judge (Official or Clerical Designation.), Probate Court (Name of Court or Congregation.), of Lawton (Name of Place Where Located.) in Comanche County, Oklahoma Territory, do hereby certify that I joined in marriage the persons named in and authorized by this License to be married, on the 25 day of Dec A. D. 1901, at Lawton in Comanche County, O. T., in the presence of T. J. Hopp of Lawton, and Mrs Jarris of Lawton

WITNESSES

Warren H. Brown
Probate Judge

STATE SENTINEL PRINTING CO. GUTHRIE, OKLA.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 24 1902

ACTING CHAIRMAN.

This certifies
That Luther Glover and
Eunice Harris
WERE BY ME UNITED IN
MARRIAGE
at Fenton I.T. according to the
laws of the Tex of Oklahoma
on the 25 day of December
IN THE YEAR OF OUR LORD 19
William Wilson
Probate Judge
BE PERFECT,
BE OF GOOD
COMFORT,
BE OF ONE
MIND
LIVE IN PEACE,
AND THE GOD OF LOVE AND
PEACE SHALL BE WITH YOU
II COR. XIII.

Ex "A".

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 3 1902

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

PAPER IN REPLY TO THE FOLLOWING

Choctaw D-699.

Muskogee, Indian Territory, March 5, 1902.

Eunice Stover,

Marlow, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 16th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles,

Commissioner in Charge.

Register.

CWP
D618

7-D-699.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVECIVILIZED TRIBES.

In the matter of the application for the enrollment of Eunice Stover as a citizen by intermarriage of the Choctaw Nation.

The applicant, Eunice Stover, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to one Luther Stover.

The right of the applicant's husband, Luther Stover, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 68 upon the Tishomingo docket of said court, it is hereby ordered that the application of Eunice Stover for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,
NOV 4-1904

Muskogee, I.T. 199

COPY.

Muskogee, Indian Territory, November 4, 1904.

Eunice Stover,
Marlow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of this Commission dated November 4, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Cheeto Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-B-699.

Choctaw D 678

COPY.

Muskogee, Indian Territory, December 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 4, 1904, dismissing the application for the enrollment of Eunice Stover as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

TRACY

Tams Bixby

Chairman.

Incl. 7-D-899

Muskogee, Indian Territory, February 24, 1902.

Luther Stover,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between Luther Stover and Eunice Ferris, and the same has been duly filed with the records of this office in the matter of the application of Eunice Stover for enrollment as a citizen by intermarriage of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Dexter

Record transferred to
Choctaw card # 4641

D 701

Emily Fargo

Record transferred to
Choctaw card # 5615

D. 702

Helen Stiles Wright

Record transferred to
Chectaw card # 4644

D. 7083

Annie C. Jones, et al.

FOR IDENTIFICATION AS
A[illegible] [illegible] [illegible]W.

REFERRED TO C.R. #6784

D 704

Della Nelson.

Record transferred to
Choctaw card #3398

D. 705

Jane M. Hatchett.

Record transferred to
Choctaw card # 3500

Choctaw D 706

Jane Morris

D 706

DISMISSED

JAN . . 1905

Original record in Choctaw
4583

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Clara B., William R. and Myrtle R. Marrs, as Choctaws; James Marrs being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A James Marrs.

Q How old are you? A Thirty-three.

Q You were the husband of Margaret Marrs, who was admitted by the United States Court at South McAlester, August 25th 1897, were you? A Yes sir.

Q She is dead? A Yes sir.

Q Are you the father of Clara B. Marrs and William R. Marrs and Myrtle R. Marrs? A I am.

Q Where have these children been living? A Here in the Territory.

Q How long? A All their lives.

Q In the Choctaw Nation? A Yes sir.

Q Never lived anywhere else? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that I am an official stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Copy.

A F F I D A V I T.

Indian Territory
Southern District

Before me, the undersigned, a Notary Public in and for the Southern District, Indian Territory, personally appeared James T. Marrs, who being duly sworn by me says upon his oath:

That he is the father of Clara Belle, W. R., and Rachel Marrs, who are mentioned in an accompanying affidavit and who are enrolled as Chocktaws, and also that he is the father of Jane Marrs, also mentioned in the accompanying affidavit, and that she, Jane Marrs, is a full sister of the above mentioned Clara Belle, W. R., and Rachel Marrs.

Witness. James T. Marrs

J. A. Shirley

Subscribed and sworn to before me, this the 12th day of March, A. D. 1900.

Given under my hand and seal of office.

M. D. Olds (Seal)

Notary Public, Commission Expires Jan 20, 1904

Copy.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

United States of America,
Central District, Ind. Ter.

Before me the undersigned authority, personally appeared before me Mrs. Jane Marrs, who after being by me duly sworn, upon her oath says:

That she is the same Jane Marrs, who made the affidavit before Joe Coats at South Canadian in the year 1897 for the enrollment by the Court of Clara Belle, W. R., James and Rachael Marrs, that the name James appearing in said affidavit, should have been Jane; in stead of James; that at the time said affidavit was made, she called the attention of the Notary Public to the mistake and he said that he had corrected it, or would correct it; that in persuance to said affidavit, and the evidence before the Court sitting at South McAlester, the above names were enrolled and the names wrere enrolled as given in the affidavit aforesaid, and the names of Clara Belle, W. R. James and Rachael were enrolled when it should have been Clara Belle, W. R., Jane and Rachael. That Jane Marrs is the identical person and the person meant by James Marrs, in said Judgment aforesaid; that there is no James Marrs, but there is a Jane Marrs, and the nam e enrolled or whose application is pending for enrollment, is meant for Jane Marrs and not James Marrs.

her
Jane x Marrs
mark

Witness:
H. Lancaster.

Subscribed and sworn to before me this the 19th day of February, 1900.
(Seal)

A. E. West
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, February 27th, 1902.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Jane Marrs, the minor grand-child of Jane Marrs who makes the application.

The judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, January 19, 1898 in the case of Jane Marrs, et al. vs the Choctaw Nation, citizenship docket No. 88, admitted among others to citizenship in the Choctaw Nation, Clara Belle Marrs, William K. Marrs, James Marrs and Rachel Marrs, the children of Margaret Marrs. Clara B. Marrs, William R. Marrs and Myrtle R. Marrs, three of the children above named have been duly listed for enrollment as citizens of the Choctaw Nation and appear upon Choctaw roll card field No. 4583.

The application now made is for the enrollment of Jane Marrs, the application being made by the grand-mother, Jane Marrs. The judgment of the United States Court above referred to does not admit to citizenship in the Choctaw Nation any child of Margaret Marrs by the name of Jane Marrs but such Judgment does admit one James Marrs.

Jane Marrs being first duly sworn by Commissioner Breckinridge, testified as follows:

Examination by the Commission.

Q What is your name? A Jane Marrs.
Q How old are you? A Sixty-six or will be pretty soon as well as I know myself.
Q What is your post-office address? A Indianola.
Q Are you the mother of James Marrs? A No, the mother of his wife.
Q What was the name of his wife? A Margaret.
Q What are the names of Margaret Marrs' children? A Clara Belle, William K., and Jane and Rachel.
Q Has Rachel any other name? A They call her Myrtle some.
Q Myrtle Rachel is her full name? A The Myrtle part never was used.
Q You desire to make application for the enrollment of the third child of Margaret Marrs named Jane Marrs? A Yes sir.
Q How old is she? A Nine years old I believe. She's very small but that is her age.
Q The other children of Margaret Marrs became citizens of the Choctaw Nation by judgment of the United States Court for the Central district of the Indian Territory did they not? A Yes sir.

Q Was Jane Marrs admitted? A By the name of James which was a mistake of the notary that did the writing.
Q Then there was no child of Margaret Marrs named Jane Marrs admitted by that judgment. A No sir.
Q How many children did Margaret Marrs have? A Four.
Q They are all living? A Yes sir.
Q Did she ever have a child named James? A No sir.
Q She had three girls and one boy? A Yes sir.
Q Was the name of Jane Marrs included in the original application made to the Dawes Commission in 1896? A Her name was there but I don't know how it was. I think you will find it Jane.

Examination by Mr. Redwine, attorney for applicant.

Q Did you give the names then to the lawyer who drew up the petition which was to be filed before the Dawes Commission? A Yes sir.
Q In that original complaint did you give the name of James or Jane? A I give it Jane every time. I didn't give it in James any time.
Q Was the complaint read over to you? A No, it wasn't, not at the first.
Q Was it read over to you any time? A Yes sir.
Q It was read to you and you saw the mistake? A Yes sir.
Q Did you ask the attorney to correct it? A Yes sir.
Q And put in in place of James Marrs, the name of Jane Marrs? A Yes sir and he said he would do so.
Q But it was not corrected as he said? A No.
Q I will ask you if Margaret Marrs has a child or had a child at that time by the name of James? A No sir.
Q Is Jane Marrs, the girl which you have here with you, the child that was intended to be put in the original application at the time application was made before the Dawes Commission? A Yes sir, the identical child.
Q Then there was a mistake made in the name and it was placed in there James Marrs in the place of Jane Marrs? A Yes sir that is just what was done.
Q And Jane Marrs, the girl which you have with you is the girl that was intended to be enrolled by the Dawes Commission, which was a mistake giving the name of James instead of Jane? A Yes sir, the same one.

William Marrs being first duly sworn by Commissioner Breckinridge, testified on behalf of the applicant as follows:

Examination by Commission.

Q What is your name? A William Marrs.
Q How old are you? A Fifty-nine years old in March.
Q What is your post-office address? A Wynnewood.
Q Are you a citizen of the Choctaw Nation? A No sir .
Q You are a white man? A Yes sir.
Q Are you related to this child? A My grand-child. My son's child.

Examination by Mr. Redwine, attorney for the applicant.

Q Are you acquainted with the Children of Margaret Marrs?

A Yes sir.
Q How many children had she? A Four .
Q What are their names? A Clara B., William R., Jane and Myrtle R. Marrs.
Q Did he have a child by the name of James Marrs? A No sir.
Q How many girls has he? A Three.
Q And one boy? A One boy.
Q This girl which you have here with you - what is her name? A Jane Marrs.
Q Was she the child that was intended to be enrolled at the time application was made to the Dawes Commission in which the application stated James Marrs? A She is.
Q She is the girl that was intended? A She is the girl that was intended.
Q There has a mistake been made by placing in said application the name of James Marrs where it ~~ought to have~~ been Jane Marrs?
A Yes sir.

Jane Marrs, being recalled, testified as follows:

Examination by the Commission.

Q Mrs. Marrs, who drew the original petition that was submitted in 1896 to the Commission to the Five Civilized Tribes?
A Simon Lewis drew the first one and then, when it went before the court, Coats or Courts - I don't just remember his name, of Canadian.
Q The name in the original petition is James Marrs. A I never knew that was there.
Q Did you ever read the original petition after it was drawn up? A No sir.
Q Was it ever read to you? A No sir.
Q When did you first discover the mistake? A Not until the court decision come out. I didn't know it until then.
Q Were you the principal applicant in the case filed in 1896? A Yes sir.
Q The original petition was drawn in your name? A Certainly it was.
Q It was your intention to include in that petition the name of Jane Marrs, one of the children of Margaret Marrs? A That was my full intention.
Q You had no intention of making any application for a child of Margaret Marrs by the name of James Marrs? A No sir, I didn't. I had no such idea for she didn't have a child by that name.
Q Now in your appeal from the decision of the Commission in 1896 refusing you, that was made to the United States Court at South McAlester, did you make out the names of the four children of Margaret Marrs? A Yes sir.
Q How did you put the names of the four children in the petition for appeal? A Clara Belle and William K. That is the way I put it down. And Jane and Rachel.
Q While this case was pending in the United States Court at South McAlester, did this question ever come up? A No sir.
Q Mrs. Marrs, in the petition for appeal , that is, after the Commission had denied you and your descendants in 1896 and you took the case to the United States Court, did you draw up a petition appealling from the decision of the Commission and sign it? A We fixed up some papers.
Q Did you read these papers. It was called over. I can't read writing. I asked them to correct it.

Q That was after you were denied by the Commission? A Yes sir.

Q And prior to the time the court rendered the decision? A Yes sir.

Q And the name in there that was read to you was it Jane or James? A They read it James and I told them to correct it. McPherren was by and Coats or Courts the notary and he's the man that done the writing but McPherren stood by and corrected and told him how.

Q Have you ever attempted to have the court correct the judgment? A No, I fixed some papers to have them sent up but I don't know what they ever did with these papers. That was before the children's father died.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 27th day of February, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 1st day of March, 1902.

Clarence Wilson Wood

Notary Public.

7-D-706
7-4583.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

-----oOo-----

It appears from the records of the Commission that on September 3, 1896, in the case entitled "Jane Marrs, et al., vs. Choctaw Nation" (1896 Choctaw citizenship docket, case number 28), original application was made to this Commission for the admission to citizenship in the Choctaw Nation of William R. Marrs (as William K. Marrs), Myrtle R. Marrs (as Rachel Marrs) and Jane Marrs (as James Marrs); that on December 1, 1896, this Commission rendered its decision denying said applications; that from this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court, in the case entitled "Jane Marrs, et al., vs. Choctaw Nation" (Citizenship Case number 88), entered of record, on August 25, 1897, a judgment reversing said decision of this Commission and decreeing that (among others) the applicants herein (as Wm. K. Marrs, Rachel Marrs and Jane Marrs):

"are all members and citizens of the Choctaw Nation and tribe of Indians by blood, and as such are entitled to all the rights, privileges, immunities and benefits of citizens and members by blood of the Choctaw tribe of Indians and Nation."

It further appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory admitting the applicants herein as citizens by blood of the Choctaw Nation.

It further appears from the records of the Commission that said cause in which the applicants herein were so admitted by said United States Court, as citizens by blood of the Choctaw Nation, was, as to certain of the applicants

therein, duly certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the provisions of said act of Congress approved July 1, 1902, but that, as to the applicants herein, said Choctaw and Chickasaw Citizenship Court, on March 24, 1904, in case number 100 upon its South McAlester docket, entered of record a decree dismissing the petition of the said William R. Marrs (as Robert Marrs), Myrtle R. Marrs (as Myrtle Marrs) and Jane Marrs (as Jennie Marrs) for want of jurisdiction.

In accordance with the opinion of the Acting Attorney General, dated May 9, 1904 (I.T.D. 3024-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 3246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation, and it is, therefore, hereby ordered that the application for the enrollment of William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

JAN 2 1905

Choctaw D 706
Choctaw 4583

COPY.

Muskogee, Indian Territory, January 26, 1905.

Jane Marrs,

Indianola, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your grandchildren, William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered .

Incl. 7-D-706
7--4583

Choctaw D 706
Choctaw 4583

COPY.

Muskogee, Indian Territory, January 26, 1905.

William Marrs,

Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your grandchildren, William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED
Tams Bixby

Chairman.

Registered.

Incl. 7-D-706
7--4583

Choctaw D 706
Choctaw 4583

COPY.

Muskogee, Indian Territory, January 26, 1905.

R. B. Coleman,

Attorney at Law,

McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

Respectfully,

Tams Bixby
Chairman.

Registered.

Incl. 7-D-706
7--4583

Choctaw D 706
Choctaw 4583

COPY.

Muskogee, Indian Territory, January 26, 1905.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of William R. Marrs, Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-706
7--4583

Choctaw D 706
Choctaw 4583

COPY.

Muskogee, Indian Territory, January, 26, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of William R. Marrs , Myrtle R. Marrs and Jane Marrs as citizens by blood of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Incl. 7-4583
7-D-706

Chectaw D 706

Muskogee, Indian Territory, February 26, 1908.

W. L. Marrs,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you desire to be informed how to proceed to have a certain child enrolled who was refused because her name had been entered incorrectly.

In regard to this matter you are informed that it appears from the records of this office that on February 27, 1902, Jane Marrs, the grand-mother of the child concerning whom you make this inquiry, personally appeared before the Commission at its office in Muskogee, Indian Territory and made application for the enrollment of this child as a citizen of the Choctaw Nation.

It also appears from the records in this case that William Marrs, of Wynnewood, Indian Territory, was present on February 27, 1902, and testified in the matter of the application for the enrollment of this child.

Yours truly,

Choctaw 4593
Choctaw D706

Muskogee, Indian Territory, December 6, 1902.

W. L. Marrs,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, inclosing a plat showing the lands you desire to select in allotment for your grandchildren, Clara B. Marrs, William R. Marrs, Jane Marrs and Myrtle R. Marrs, and the same is herewith returned to you for the reason that the Commission has now no means of recording the selections of citizens of the Choctaw and Chickasaw Nations. Matters of this character will receive its consideration upon the establishment of land offices in the Choctaw and Chickasaw Nations for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Respectfully,

Acting Chairman.

AH 1-6

7-B-706.

Muskogee, Indian Territory, August 17, 1904.

Jane Harris,

Indianola, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

...ment of the Interior.
...to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
MAR 7 1905
OFFICE OF IN...

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UNCLAIMED

RETURN TO WRITER

RETURN TO WRITER

RETURN TO WRITER

William Carr,
Roff, Indian Territory.

REGISTRY DIVISION,
FEB 2 1905
MUSKOGEE, IND. TER.

MAR 9 1905

ROOF, IND. T
FEB
10 AM
1906
REC'D

D 70

CHOCTAW

Cora M. Spain

Transferred to Choctaw

#144 JAN 2., 1905

D 708

Margaret Hawkins

Record transferred to
Choctaw card # 3704

709

John H. Crutchfield

Record transferred to
to Choctaw card 2923

Choctaw D. 710

Zona Freeman

D.710

MOCTAW 710

ZONA FREEMAN (W)

7 D 473

DUPLICATE

710

SECRETARY. D 710

Zona Willis

Record transferred to Choctaw & #473.

JAN 18 1905

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, March 19th., 1902.

In the matter of the application of Zonia Freeman for enrollment as a citizen by intermarriage of the Choctaw Nation. Zonia Freeman having been first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Zonia Freeman.
Q How old are you? A Twenty-six.
Q What is your post-office address? A McAlester.
Q What nation is that in? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A About seven years.
Q Have you lived there continuously for seven years? A Yes sir.
Q At McAlester? A Right here clest.
Q Where did you live before that? A On Coal Creek.
Q Where is that? A Right north of McAlester.
Q How long have you lived in the Choctaw Nation? A Seven years.
Q Where did you live before that? A I lived in Texas.
Q Were you born in Texas? A Yes sir, born and raised in Texas.
Q And lived there until the time you removed to the Indian Territory? A Yes sir.
Q What is your father's name? A William Webb.
Q Is your father living? A No sir.
Q What is your mother's name? A Liddie Webb.
Q Is your mother living? A No sir.
Q Your mother and father both white persons? A Yes sir.
Q Did either of them ever make any claim to citizenship by blood in any tribe of Indians? A Mother did.
Q What tribe? A Cherokee.
Q Was she ever acknowledged as a citizen of that tribe? A She never did get it through.
Q Did she ever get any money as a citizen of the Cherokee Nation? A No sir.
Q Did you ever apply to the tribal authorities of the Cherokee Nation for citizenship? A Mamma did.
Q When? A In '94 or '95.
Q Who did she appli to? A Blank I believe, in the Cherokee Nation.
Q Did she apply for you? A Yes sir butof course since she died I just dropped it and never bothered with it.
Q Did you make that application to the Cherokee tribal authorities or to the Dawes Commission? A To the Cherokee authorities. Not to the Dawes Commission.
Q What action did the Cherokee tribe take relative to your and your mother's citizenship? A On my grand-mother's side.
Q What did they do, what action did the Cherokee authorities take? Did they admit you? A I don't understand.

Q You say your mother made an application to the Cherokee tribe in 1894 or 1895. Now what did the Cherokee tribe do about that application? A Mamma she died and never proved it.

Q You say your mother made the application. Now did the tribe admit you? A No sir.

Q What did they do? A Just threwed it aside.

Q They never took any action on it? A No sir.

Q As a matter of fact, did your mother ever make application to the Cherokee Council? A Mamma just made it to a lawyer by the name of Black. She didn't make it to the Council whatever.

Q Have you ever made application for citizenship in any tribe of Indians as a citizen by blood? A No sir.

Q Ever drawn any money as a member of any tribe? A No sir, I never tri ed at all.

Q Do you claim to have any Cherokee blood? A Just what my mother taught me.

Q How much Cherokee do you claim to be? A Sixteenth part Mamma was and that would make me very little.

Q You are making application now to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

Q What is the name of your Choctaw husband? A George Freeman.

Q How old is he? A Twenty-six.

Q Where does he live? A He lives at Old Town.

Q McAlester? A Yes sir.

Q What is his mother's name? A Nancy Freeman.

Q What is his father's name? A Frank Freeman.

Q Is George Freeman a citizen by blood of the Choctaw Nation? A Yes sir.

Q How much Choctaw is he? A Three quarters, I believe.

The name of George Freeman, the husband of this applicant, is found upon the records of the Commission on Choctaw roll card, field No. D 177, an application having been made to the Commission for his enrollment as a citizen by blood of the Choctaw Nation, May 22, 1899.

Q When did you marry George Freeman? A April 16th -- 15th.

Q What year? A 1901.

Q Where did you marry him? A At Krebs.

Q Did you marry him under a license? A Yes sir.

Q Have you your marriage license and certificate? A Yes sir.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, the marriage license issued by N. J. Fannin, Clerk United States Court for the Central District of the Indian Territory, to George Freeman to marry Mrs. Zenia Willis, dated April 15, 1901, attached thereto being the certificate of Isaac M. Carter as to the marriage of George Freeman and Mrs. Zenia Willis on the 16th day of April, 1901. Said marriage license and certificate being recorded in Book 9 of marriage records, page 380, United States Court for the Central District, Indian Territory.

Q The marriage license that you present is issued to George Freeman to marry Mrs. Emma Willis. Was that your name prior to the time you married George Freeman? A Yes sir.

Q You were married then prior to your marriage to George Freeman, to some other man? A Yes sir. My husband's dead.

Q Are you the identical person as the Mrs. Emma Willis mentioned in this marriage license and certificate? A Yes sir.

Q What was your former husband's name? A George Willis.

Q When did you marry him? A Four years ago pretty near.

Q Was he a white man? A Yes sir.

Q Did you live with him up until the time he died? A Yes sir.

Q When did he die? A Two years ago the 17th of this month.

Q Was George Freeman ever married before he married you? A Not as I know of.

Q Did you ever hear that he was? A No sir.

Q Since you were married to George Freeman you have been living with him? A Yes sir.

Q There has been no separation or desertion ? A No sir.

Q Or divorce? A No sir.

Q You are now living together as man and wife? A Yes sir.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of March, 1902.

Alice Mitchell Wood
Notary Public.

Choctaw-D-710.

Muskogee, Indian Territory, October 4, 1904.

Zenia Freeman,

Care of George Freeman,

Antlers, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary, before the Commission can determine your rights as such citizen, for you to appear in person before the Commission at its office in Muskogee, Indian Territory for the purpose of testifying relative to your intermarried status on September 25, 1902.

Please give this matter your prompt attention.

Respectfully,

Chairman.

7-3-710.

Muskogee, Indian Territory, August 27, 1904.

Zonia Freeman,

McAlester, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

D. 711

Anna Folsom

Record transferred to
Choctaw card #4688

D 712

Hockey Ward.

Record transferred to

CHOCTAW.

Frank Boswell

vs.

Choctaw Nation

#5452

No. 1 transferred to Choc

Card May 15. 1905

#2 Transferred to Choc.

Card July 29. 1906

D. 714

David Robertson

Record transferred to
Chaplain card # 2766

D 715

Lizzie G. McCarty.

Record transferred to
Choctaw card # 2685

D. 716

Essie Smith

Record transferred to
Choctaw card #4776

21-717.

Samuel Lee Langley.

Record transferred to Choctaw # 6039.

July 25/06.

Choctaw D-718

Savannah E. Dalaughter

Hannah B. McLaughlin et al

DECISION [redacted] JUN 21 1906

REFUSED JUN 21 1906

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

JUN 21 1906

COPY OF DECISION FORWARDED APPLICANT JUN 21 1906

RECORD FORWARDED DEPARTMENT.

See Petition #W-144
June 25, 1906. Motion for rehearing filed with this office.
July 14, 1906. Motion for rehearing forwarded Department

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. APR 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. APR 9 1907

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT APR 9 1907

IN RE

Application for Enrollment of

INFANT CHILD

Savannah Elin DeLaughter

as a citizen of the

Choctaw *Nation.*

Approved _____ *190*__

_____ *Commissioner.*

Department of the Interior,
Commission to the Five Civilized
Tribes.

Filed May 13 1902.

Tams Bixby, Acting Chairman.

Choctaw.

D-[illegible].

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Savannah Elin DeLaughter, born on the 19 day of January 1897, 190

(Here insert name of child.)

Name of Father: George Delaughter, a citizen of the Choctaw Nation.

Name of Mother: Savannah DeLaughter, a citizen of the Nation.

Post-Office: Arkinda Ark

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Savannah Delaughter, on oath state that I am 27 years of age and a citizen, by, of the Choctaw Nation; that I am the lawful wife of George Delaughter, who is a citizen, by Intermarriage, of the Choctaw Nation, that a Female (Male or female.) child was born to me on the 19 day of January 1897 190 ; that said child has been named Savannah Elin DeLaughter, and is now living.

Savannah DeLaughter

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 *day of* April 1902.

N. P. Hutchinson
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Shilet Owens, a Mid-wife, on oath state that I attended on Mrs. Savannah DeLaughter, wife of George Delaughter, on the 19 day of January 1897, 190 ; that there was born to her on said date a female (Male or female.) child; that said child is now living and is said to have been named Savannah Elin DeLaughter.

Shilet her X mark Owens

WITNESSES TO MARK:

(Must be Two Witnesses.)
W. F. Coleman
po Harris
E. M. Kifly

Subscribed and sworn to before me this 19 *day of* April 1902. 190

N. P. Hutchinson
Notary Public.

(SEAL)

IN RE

Application for Enrollment of

INFANT CHILD

_____

as a citizen of the

_____ *Nation.*

Approved _____ *190*_

_____

Commissioner.

Department of the Interior,
Commission to the Five
Civilized Tribes.
Filed May 13 1902.

Tams Bixby
Acting Chairman.

BIRTH AFFIDAVIT. 4 50

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of John Baly DeLaughter (Here insert name of child.), born on the 22 day of January, 1901

Name of Father: George DeLaughter, a citizen of the Choctaw Nation.

Name of Mother: Savannah DeLaughter, a citizen of the _____ Nation.

Post-Office: Arkinda Ark.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Savannah DeLaughter, on oath state that I am 27 years of age and a citizen, by _____, of the Choctaw Nation; that I am the lawful wife of George DeLaughter, who is a citizen, by Intermarriage of the Choctaw Nation, that a male (Male or female.) child was born to me on the 22 day of January 1901; that said child has been named John Baly DeLaughter, and is now living.

Savannah DeLaughter

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 *day of* April *190*2.

N. P. Hutchison

(SEAL) *Notary Public.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Larah Smith, a midwife, on oath state that I attended on Mrs. Savannah DeLaughter, wife of George DeLaughter, on the 22 day of January, 1902; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named John Baly DeLaughter.

Her
Larah X Smith
Mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
E. E. Brown
H. L. Lemons

Subscribed and sworn to before me this 19 *day of* April *190*2.

(SEAL)

N. P. Hutchinson. *Notary Public.*

IN RE

Application for Enrollment of

INFANT CHILD

George Dewey DeLaughter

as a citizen of the

Choctaw *Nation.*

Approved T. B. Needles *190*

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Jun 11 1902.

Tams Bixby,
Acting Chairman.

Enc W 151. Indexed.

Choctaw.
D 718.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of George Dewey DeLaughter (Here insert name of child.), born on the 29 day of January 1899, 190__

Name of Father: George DeLaughter, a citizen of the Choctaw Nation.

Name of Mother: Savannah DeLaughter, a citizen of the _____ Nation.

Post-Office: Arkinda Ark

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Savannah Delaughter, on oath state that I am 27 years of age and a citizen, by _____, of the Choctaw Nation; that I am the lawful wife of George DeLaughter, who is a citizen, by Intermarriage, of the Choctaw Nation, that a Male (Male or female.) child was born to me on the 29 day of January 1899 190__; that said child has been named George Dewey DeLaughter, and is now living.

Savannah DeLaughter

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

Subscribed and sworn to before me this 19 *day of* April *190* 2.

(SEAL) N. P. Hutchinson

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Winie Viney, a midwife, on oath state that I attended on Mrs. Savannah DeLaughter, wife of George DeLaughter, on the 29 day of January 1899, 190__; that there was born to her on said date a Male (Male or female.) child; that said child is now living and is said to have been named George Dewey DeLaughter.

her Winie X Viney Mark

WITNESSES TO MARK:

(Must be Two Witnesses.) G. C. Darity

B. S. Harris

Subscribed and sworn to before me this 19 *day of* April 1902. *190*__.

(SEAL) N. P. Hutchinson.

Notary Public.

7-B-718.

MARRIAGE LICENSE.

State of Arkansas, County of Little River.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Geo. Delaughter of ----------in the County of Little River and State of Arkansas aged 34 years, and Miss Savannah Beauchamp of _____ in the County of Little River and State of Arkansas aged 18 years, according to law; and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 27th day of Jany 1894

J. S. Walker, Jr.

County Clerk

(SEAL)

CERTIFICATE OF MARRIAGE.

State of Arkansas, I C. P. Buchanan do hereby certify

County of Little River that on the 29 day of Jany 1894 I did, duly and according to law as commanded in the foregoing License solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand, this 29 day of January 1894.

My Credentials are recorded in Recorder's Office, Little River County, Ark. Book A Page 11.

C. P. Buchanan, J. P.

(SEAL)

Note-This License with the Certificate duly endorsed and officially signed must be returned to the office whence it is issued within sixty days from the date of License, under penalty of forfeiture of the License.

7-D-718.

CERTIFICATE OF RECORD.

State of Arkansas, }
County of Little River, } I, J. S. Walker, Jr. Clerk of the County Court of said county, certify that the above License for and Certificate of the Marriage of Mr. Geo. DeLaughter and Miss Samuel Beauchamp was filed in my office on the 2 day of Feury 1894, and the same is duly recorded on page 170 of Book C of Marriage Records.

Witness my hand and the seal of said Court this 2 day of February 1894

J. S. Walker, Jr. Clerk

(SEAL) By Claude Head, D. C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Filed May 15 1902
Tams Bixby, Acting Chairman.
Chocktaw, D 718.

State of Arkansas }
County of Little River, } I, M J. Cheever Clerk of the Circuit Court and ex-office Clerk of the County Court in and for said County and State, do hereby certify that the above and foregoing is a true and correct transcript of the record of the Certificate of marriage of Geo. D. Laughter and Samuel Beauchamp, together with the endorsements thereon as therein set forth and as of record on page 170 Book C. of Marriage Records of Little River County Arkansas.
Witness my hand and official seal this 28 day of March 1899.
M J. Cheever, Clerk.
(SEAL)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Savannah E. DeLaughter, George D. DeLaughter and John B. DeLaughter as citizens of the Choctaw Nation, Choctaw Field No. D-718.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw D-718.
In the matter of the enrollment of Savannah E. DeLaughter, et al., as citizens of the Choctaw Nation.

PROTEST of Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

David Braxton DeLaughter
Savanah E. DeLaughter
George D. DeLaughter
John B. DeLaughter and
Elijah S. DeLaughter, by their father
and natural guardian, George D. DeLaughter, Sr.----Plaintiffs.

vs PETITION.

the Chickasaw and Choctaw Nation,----------Defendants.

Now comes your petitioners herein, Davis Braxton DeLaughter, Savanah E. DeLaughter, George D. DeLaughter, Jr., John B. DeLaughter and Elijah S. DeLaughter, by their father and natural guardian George D. DeLaughter, Sr. and makes this, their application for citizenship in the Choctaw Nation, and as grounds therefor says.

That Sevanah, E. DeLaughter was born January 19th, 1894; that Geo. D. DeLaughter, Jr. was born, January 29th. 1899; that John B. DeLaughter was born January 22nd. 1901 and that Elijah S. DeLaughter was born December 21st. 1903 and thatall of your petitioners herein are now living; that their said father, George D. DeLaughter, is a duly and legally enrolled citizen by inter-marriage of the Choctaw Tribe of Indians, as is shown by the records of the Commissioner to the FiveCivilized Tribes, a reference thereto, being here made, that their said father George D. DeLaughter, Sr. married one Jency A. Simpson Nee Hampton November 19th. 1885, the said Jency A. Simpson, nee Hampton being a choctaw woman and that wife of the said George E. DeLaughter sr died, December 14th. 1890, and that their said father married a white woman, by the name of Savanah Beauchamp, which said marriage was January 29th. 1894 and as the fruit of said last marriage above mentioned, all of your petitioners herein were born and

that since their said births, respectively, they have lived continuously in the Choctaw Nation, in and about Bokhoma, Indian Territory, and that by virtue of the above and foregoing statements, all of your petitioners herein, are entitled to be enrolled as such citizens of the Choctaw Tribe of Indian's.

Wherefore, your petitioners pary that they and each of them be placed upon the rolls of the Choctaw Nation, as such citizens of the Choctaw Tribe of Indians, and that they have all other relief, that they may be entitled.

H. A. Ledbetter
Atty. for Petitioners.

I, George D. DeLaughter, Sr. being first duly sworn on oath, state that I am the father of David Braxton, Savanah E., George D., John B. and Elijah S. Delaughter; that I am an inter-married citizen of the Choctaw Tribe of Indians and that the statements and allegations contained in the above and foregoing petiton are true.

Subscribed and sworn to before me January 20th. 1906.

J. H. Kirby
Notary Public.

Geo. DeLaughter (SEAL)

My Com. Ex. Dec. 7th, 1908.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Feb. 27, 1906.
Tams Bixby, Commissioner.

United States of America,
Indian Territory,
Southern District.

I, J. O. Mullen, being first duly sworn on oath, state that I presented to the United States Post Office at Ardmore, Indian Territory, a Letter addressed to Mansfield, McMurray and Cornish of South McAlester, Indian Territory, in which said letter contained the applications of David Braxton DeLaughter, Savanah E. DeLaughter, George D. DeLaughter and Elijah S. DeLaughter, by their father and natural guardian, George D. DeLaughter, Sr. vs the Chickasaw and Choctaw Nations and Sadie L. Burns, Willis E. Burns, Nora K. Burns and James B. Burns vs the Chickasaw and Choctaw Nations, said letter having been presented and accepted on the 8th. day of February, 1906, as is shown by receipt of the Post Master at Ardmore, Indian Territory, dated the 8th day of February, 1906.

Witness my hand this the 8th. day of February, 1906.

J. O. Mullin

Subscribed and sworn to before me this the 8th. day of Feby, 1906.

(SEAL)

Roberta Nibiock
Notary Public.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Feb. 27, 1906.
Tams Bixby, Commissioner.

7-D-718.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Savannah Elin DeLaughter, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein that on May 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Savannah Elin DeLaughter, John Baly DeLaughter and George Dewey DeLaughter as citizens of the Choctaw Nation.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 27, 1906, by H. A. Ledbetter, of Ardmore, Indian Territory, attorney for the petitioners, a petition verified by George D. DeLaughter, Sr., and submitted on behalf of his five minor children, David Braxton DeLaughter, Savannah E. DeLaughter, George D. DeLaughter, John E. DeLaughter and Elijah S. DeLaughter, praying that they be enrolled as citizens of the Choctaw Nation.

It further appears from the record herein and from the census card record in this case that all of the applicants herein are the children of George D. DeLaughter, Sr., a white man, whose name (as George DeLaughter) appears as number 203 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior June 13, 1903, and Savannah DeLaughter, a non-citizen white woman.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Savannah Elin DeLaughter, John Baly DeLaughter and George Dewey DeLaughter, and the petition for the enrollment of David Braxton DeLaughter and Elijah S. DeLaughter, as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 2 1 1906

_____.

7-D-718

Muskogee, Indian Territory, June 25, 1906.

George D. DeLaughter,

Bokhoma, Indian Territory.

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application and petitions of Savannah Elin DeLaughter, John Baly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter and Elijah S. DeLaughter for enrollment as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-718

7-D-718

Muskogee, Indian Territory, June 21, 1906.

M. A. Ledbetter,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application and petitions of Savannah Elin DeLaughter, John Baly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter and Elijah S. DeLaughter for the enrollment as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-718

T-D-718

Muskogee, Indian Territory, June 21, 1906.

COPY

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw patients,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the petition and applications of Savannah Ellis DeLaughter, John Daly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter and Elijah E. DeLaughter for enrollment as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Incl. T-D-718

Muskogee, Indian Territory, June 21, 1906.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the proceedings in the matter of the application and the petition for enrollment of Savannah Elin DeLaughter, John Daly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter and Elijah B. DeLaughter as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 21, 1906, denying said application and petition.

Respectfully,

SIGNED Tams Bixby

Commissioner.

E Incl. 7-D-718

Through the

Commissioner of Indian Affairs.

Tams Bixby

V-B-718

Muskogee, Indian Territory, July 14, 1906.

H. A. Leibatter,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 28, 1906, stating that you have received copy of the decision refusing the application for the enrollment of Savannah E. DeLaughter, et al, for enrollment as citizens of the Choctaw Nation. You state that on June 23, 1906, you forwarded an amended petition in this matter and you ask that this office pass on same. You also state that you desire to prosecute an appeal from the decision of the Commissioner and request that the records show that an appeal is made on the part of the said Savannah E. DeLaughter.

In reply you are advised that on June 21, 1906, the decision of the Commissioner to the Five Civilized Tribes refusing the application of Savannah E. DeLaughter, et al, for enrollment as citizens of the Choctaw Nation, together with the record in the case, was transmitted to the Department for review, and you will

be notified of such action as is taken thereon.

You are further advised that the amended petition, transmitted with your letter of June 25, 1906, for the enrollment of these persons as Choctaw Indians, has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

June 21, 1906, the Commissioner to the Five Civilized Tribes rendered his decision refusing the application and petition of Savannah E. DeLaughter, et al, for enrollment as citizens of the Choctaw Nation, and the record was on the same date transmitted to the Department.

I now have the honor to transmit herewith, for consideration in connection with this case, amended petition filed by H. A. Ledbetter, attorney at law, Ardmore, Indian Territory, for the enrollment of Savannah E. DeLaughter, et al, as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

7-D-718

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

David Braxton DeLaughter
Savanah E. DeLaughter
George D. DeLaughter, Jr.
John B. DeLaughter
Elijah S. DeLaughter, by their father
and natural guardian, George D. DeLaughter, Sr.,-------Plaintiffs.

vs Amended Petition for enrollment as Choctaw Indians.

The Chickasaw and Choctaw Nations,----------Defendants.

Now comes your petitioners herein, David Braxton DeLaughter, Savanah E. DeLaughter, George D. DeLaughter, Jr. John B. DeLaughter and Elijah S. DeLaughter, by their father and natural guardian, George D. DeLaughter, Sr. and makes this, their application for enrollment as citizens and members of the Choctaw Tribe of Indians and as grounds therefor, say, that they and each of them are citizens of the Choctaw Tribe of Indians, by reason of the following statements to-wit:

First. That their father, George D. DeLaughter is a duly and legally enrolled citizen of the Choctaw Tribe of Indians (a reference being here made to the rolls of the Choctaw Tribe of Indians by intermarriage).

That all of your petitioners herein are minors, the date of their birth, being as follows to wit. David B. DeLaughter, January 10, 1895, Savanah E. DeLaughter, January 19, 1897; George D. DeLaughter Jr., January 29, 1899; John B. DeLaughter, January 22, 1901 and Elijah S. DeLaughter, December 21, 1903.

Your petitioners further state that they are all living and have been living in the Choctaw Nation since their birth aforesaid.

Your petitioners further state, that their said father George D. DeLaughter, Sr. as such citizen by inter-marriage of the Choctaw

Tribe of Indians married one Savanah Beauchamp, a white woman, which said marriage was in conformity to the laws of the Choctaw National; that the certificate of said marriage is now with the Commissioner to the Five Civilized Tribes, a reference thereto being here made.

That by virtue of the above and foregoing statements, all of our petitioners are entitled to be enrolled as citizens of the Choctaw Tribe of Indians.

Your petitioners further state that they are entitled to be enrolled as such citizens of the Choctaw Tribe of Indians by virtue of the provisions of the act of Congress Approved April 26th. 1906, entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes", Section Two of said Act.

Wherefore your petitioners ask that they be enrolled as citizens of the Choctaw Tribe of Indians, for which they ever pray.

W. A. Ledbetter
Attorney for Petitioners.

I, George D. DeLaughter, Sr. Being first duly sworn on oath, state that I have read the foregoing petition and that the statements therein contained are true.

Geo DeLaughter

(SEAL)

Subscribed and sworn to before me this the 11th, day of June, 1906.

J. H. Kirby
Notary Public.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes
FILED
JUN 25 1906

Commissioner.

D.C.11792.
L.R.E.
Mirsat.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
4330, 4348, 4360, 4370, 4376,
4378, 4392, 4400, 4404, 4428,
4426, 4428, 4430, 4440, 4446,
4452, 4500, 4514, 4522, 4536,
4550, 4552, 4578, 4588, 4590,
4596-1907.
21240, 21302, 22520, 24136,
24144, 24148, 24508, 24518,
24872-1906.

February 26, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of Your Letter of Transmittal.
John Roy Banks,	December 21, 1906.
Marie Eveline Boydstun,	December 21, 1906.
Frank Delmer Jones,	October 20, 1906.
Joseph Goimes,	October 20, 1906.
Dave Harkins (Freedman),	June 20, 1906.
Adia Sisney,	November 29, 1906.
Isabella Guess et al. (Freedman),	June 19, 1906.
Laymon Cox et al. (Miss. Choc.),	January 21, 1907.
K. Dunn, (Miss. Choc.)	January 21, 1907.
Sam E. Williams et al., (Miss. Choc.)	January 21, 1907.
James Edwards,	November 20, 1906.
Savanah McDonald et al.,	November 26, 1906.
Colbert Pisachubbe,	November 27, 1906.
Veta M. Magner, et al.,	November 26, 1907.
Flona Savannah Mauldin,	November 27, 1906.
Benjamin Franklin Neagle,	November 26, 1906.
Jessie Washington (Freedman),	December 21, 1906.
Machny Lee Lane,	December 20, 1906.
Edmond Franklin Burney,	December 19, 1906.

-2-

Title of Case.	Date of your Letter of Transmittal.
Charles Frazier (Freedman),	June 15, 1906.
Joe Gardner (Freedman),	June 16, 1906.
Mattie Jackson (Freedman),	June 9, 1906.
Lurley Washington (Freedman)	June 16, 1906.
William Arthur Hicks,	December 20, 1906.
June Leonard Simmons,	December 20, 1906.
Samuel Sydney Harris (Jr.),	December 20, 1906.
Blanche Franklin Catlin et al.,	June 16, 1906.
Minnie Brooks et al.,	June 15, 1906.
Sylla Carter, et al.,	August 4, 1906.
Eddie Lee Walker et al.,	June 21, 1906.
Crawford Stidham,	June 21, 1906.
Robert Joseph Herr,	June 21, 1906.
Georgie E. Wilson et al.,	June 21, 1906.
Elias A. Dunn et al.,	August 10, 1906.
Savannah Eliz McLaughter et al.,	June 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

25 inc. and 76 enc.
to Ind. Of. with copy
hereof.

A.P.Mc.
2-27-07.

LAND
84770-1906.
60798- "

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 10, 1906.

The Honor able,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2548) there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application of Savannah E. DeLaughter, et al., for enrollment as citizens of the Choctaw Nation.

On May 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Savannah E., John B., and George D. DeLaughter, Jr., as citizens.

On February 27, 1906, a petition was filed with the Commissioner by H. A. Ledbetter, of Ardmore, I. T., attorney for the petitioners, praying that David B., Savannah E., John B., Elijah S. DeLaughter and George D. DeLaughter, Jr., be enrolled as citizens.

On June 21, 1906, the Commissioner decided that none of the above named applicants were entitled to such enrollment.

The record shows that the applicants are the children of George D. DeLaughter, Sr., a white man, identified at No. 203 on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stat.L.,641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on June 13, 1903, and Savannah

McLaughter, a non-citizen white woman.

On July 14, 1906, a brief was filed by H. A. Lechatter, attorney for the petitioners, which has been duly received and considered. There is no dispute as to the facts.

In view of Section 2 of the Act of April 26, 1906 (34 Stat.L.,137), and the holding of the Department in the case of William Jesse Bacon in letter of July 10, 1906 (L.T.D. 2548), the decision of the Commissioner adverse to the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HKD

G

7-D-718

Muskogee, Indian Territory, April 9, 1907.

George D. DeLaughter,

Bokhoma, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application and petition for the enrollment of Savannah Klin DeLaughter, John Baly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter and Elijah S. DeLaughter as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Commissioner.

7-D-718

Muskogee, Indian Territory, April 9,1907.

H. A. Ledbetter,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application and petition for the enrollment of Savannah Elin DeLaughter, John Baly DeLaughter, George D Dewey DeLaughter, David Braxton DeLaughter and Elijah S. DeLaughter as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

Commissioner.

7-D-718

Muskogee, Indian Territory, April 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application and petition for the enrollment of Savannah Klin DeLaughter, John Baly DeLaughter, George Dewey DeLaughter, David Braxton DeLaughter, and Elijah W. DeLaughter as citizens of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Commissioner.

7 B 718

Muskogee, Indian Territory, May 11, 1906.

A. Tolle,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Savannah Elia De Laughter, born January 19, 1897; also the application for enrollment as a citizen of the Choctaw Nation of Baly De Laughter, born January 22, 1901, minor children of George and Savannah De Laughter, and the same being in proper form have been duly filed with the records of the Commission as evidence of the birth of these children.

Receipt is also acknowledged of the application for enrollment as a citizen of the Choctaw Nation of George Henry De Laughter, minor son of George and Savannah De Laughter born January 29, 1899, and the same is returned to you herewith for the reason that the notary public before whom the affidavit of the midwife was acknowledged has neglected to affix his jurat and seal thereto.

Upon return of the application properly executed

[illegible]

The matter will receive further consideration.

Yours truly,

[illegible]

[illegible]

Muskogee, Indian Territory, June 11, 1904.

A. Wells,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing the affidavits of Savannah Dalaughter and Wanda Viney relative to the birth of George Henry Dalaughter, minor child of George and Savannah Dalaughter on January 26, 1899, and the same being in proper form have been duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

Choctaw D 718

Muskogee, Indian Territory, February 16, 1904.

George DeLaughter,

Arkinda, Arkansas.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your three minor children, Savannah E., George D. and John E. DeLaughter, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

D.S.[illegible].
L.R.S.
Atwood.

J.P.
O.K.

THE SECRETARY OF THE INTERIOR,
WASHINGTON.

L. T. R.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]-1907.
[illegible]
[illegible]
[illegible]-1906.

February 26, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Chester citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of Your Letter of Transmittal.
John Ray Dunn,	December 21, 1906.
Marie Evaline Hayduck,	December 21, 1906.
Frank Delmar Jones,	October 22, 1906.
Joseph Golden,	October 22, 1906.
Mary Hawkins (Freedman),	June 29, 1906.
Allie Sizemore,	November 29, 1906.
Isabella Gates et al. (Freedman),	June 19, 1906.
Lyman Ray Williams, (Wm.Shoc.),	January 22, 1907.
L. Dunn, (Wm.Shoc.)	January 22, 1907.
Sam E. Williams et al., (Wm.Shoc.)	January 22, 1907.
James Edwards,	November 28, 1906.
Bernard McDonald et al.,	November 26, 1906.
Gilbert Blackshear,	November 27, 1906.
John H. Hagan, et al.,	November 28, 1906.
Flora Hagan et al.,	November 27, 1906.
Benjamin Franklin Wright,	November 26, 1906.
Jessie Washington (Freedman),	December 21, 1906.
Bailey Lee Lane,	December 21, 1906.
Robert Franklin Barney,	December 20, 1906.
	December 19, 1906.

Title of case.	Date of issue of letter of [illegible] trust.
[illegible] Frazier (Deceased),	June 15, 1920.
[illegible]	June 15, [illegible]
[illegible]	[illegible]
[illegible] (Deceased)	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible] Henry Jarvis (Jr.),	[illegible]
[illegible] et al.,	[illegible]
[illegible] et al.,	June 15, [illegible]
[illegible] et al.,	June 15, [illegible]
[illegible] et al.,	[illegible]
[illegible] et al.,	June [illegible]
[illegible]	June [illegible]
[illegible]	June [illegible]
[illegible]	June [illegible]
[illegible] et al.,	June [illegible]
[illegible] et al.,	[illegible]
[illegible] et al.,	[illegible]
[illegible] Allen Bourgeter et al.,	June [illegible]

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Rossa B. Wilson,

Assistant Secretary.

[illegible] and [illegible] inc.
[illegible] Cr. with copy hereof.

A.J.Ho.
[illegible]

LAND
84770-1906.
60722- "

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 10, 1906.

The Honor able,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2548) there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application of Savannah E. DeLaughter, et al., for enrollment as citizens of the Choctaw Nation.

On May 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Savannah E., John E., and George D. DeLaughter, Jr., as citizens.

On February 27, 1906, a petition was filed with the Commissioner by H. A. Ledbetter, of Ardmore, I. T., attorney for the petitioners, praying that David E., Savannah E., John E., Elijah S. DeLaughter and George D. DeLaughter, Jr., be enrolled as citizens.

On June 21, 1906, the Commissioner decided that none of the above named applicants were entitled to such enrollment.

The record shows that the applicants are the children of George D. DeLaughter, Sr., a white man, identified at No. 203 on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stat.L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw nation and approved by the Department on June 13, 1905, and Savannah

Delaughter, a non-citizen white woman.

On July 14, 1906, a brief was filed by E. A. Ledbetter attorney for the petitioners, which as been duly received and considered. There is no dispute as to the facts.

In view of Section 2 of the Act of April 26, 1906 (34 Stat.L.137), and the holding of the Department in the case of William Jesse Rogers in letter of July 18, 1906 (I.T.D. 2548), the decision of the Commissioner adverse to the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HMD

G

George Beal et al.

Records transferred to

CHOCTAW. #5842

CHOCTAW. D. 720

C. C. McLaughlin -

Record transferred to
Choctaw card #5794 -

CHOCTAW 0-721.

W. [illegible]

D. [illegible] 29/00

ACTION Reversed BY
SECRETARY OF INTERIOR. Nov. 29/06.

Transferred to Choctaw
3630. DEC -, 1906

CHOCTAW D 722

Mary A. Goforth

Transferred to Choctaw
#5899 JAN 2.. 1905

Choctaw D-723

D 723

Lorley G. Dudley et al

DECISION RENDERED DEC 29 1905

REFUSED DEC 29 1905

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. DEC 29 1905

COPY OF DECISION FORWARDED APPLICANT DEC 29 1905

RECORD FORWARDED DEPARTMENT DEC 29 1905

ACTION APPROVED BY SECRETARY OF INTERIOR JAN 31 1906

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. FEB 9 - 1906

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. FEB [illegible] 1906

DISMISSED [illegible] 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of.....

HATTIE DUKES.....7-D-723.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 19, 1902.

In the matter of the application of Charles G. Dukes, for enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Hattie Dukes, as a citizen by intermarriage of the Choctaw Nation. Charles G. Dukes being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charles G. Dukes.
Q How old are you? A Going on twenty-two.
Q What is your postoffice address? A South McAlester.
Q What Nation is that in? A I suppose the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I could n't tell you the exact time. Some time during last fall.
Q The fall of what year? A The fall of 1901.
Q You have been living here continuously since what month in 1901? A I couldn't tell you what month.
Q Where did you live before your residence in the Choctaw Nation? A I lived in the state of Montana.
Q Always lived in the state of Montana up until the time you moved to the Choctaw Nation? A Not always. Lived in one state and then another.
Q Did you ever live in the Choctaw Nation or make your home in the Indian Territory prior to last fall? A To make it my home here I couldn't say that I ever made it my home or not.
Q Were you in the Choctaw Nation prior to 1901? A Yes sir.
Q When. A I don't remember what year it was. What year was it we enrolled at Tushkahoma? 1896 or 1897 - I lived at Talihina.
Q Where were you born? A Montana.
Q How long did you live there before you went out of the state? A until I was twelve years old.
Q Where did you go? A California.
Q How long did you stay there? A About six months.
Q Where did you go from there? A I went from there to Ogden, Utah.
Q How long did you stay in Utah? A About a couple of months.
Q Then where did you go? A Montana.
Q How long did you stay there? A About three or four years.
Q Then where did you go? A If I am not mistaken I came to the Nation.
Q When was that? A During the years of -- the years that I enrolled at Tushkahoma- I don't remember. If I am not mistaken I came to St. Louis, Missouri then and we spent New Years day in St. Louis and then came to the Territory.
Q How old were you when you came to the Choctaw Nation?
A The first time?
Q Yes sir. A I don't remember.

Q About how old? A I don't know exactly. I couldn't tell you.

Q That was the first time you were in the Choctaw Nation when you came here in the winter of 1896 or 1897 and went to Tushkahomma? A I don't remember whether that was my first trip and I have come here since then. I don't know whether I came here before that time or after but I know this is my third trip in here.

Q Don't you remember the first time you came here? A I remember of the time but I don't remember ----

Q About how big a man were you? A Nothing but a little tad when I came in here.

Q How long did you stay here that time? A The first time? Not very long.

Q About how long? A I should judge about a month or six weeks.

Q Then where did you go? A Back to the state of Montana.

Q How long did you stay there? A I couldn't tell you. I have no idea.

Q Have no idea how long you were in Montana after you were here in the Nation? A No sir, I haven't.

Q Was it two weeks or six years? Give me some idea of how long you were back there? A If I could remember what I done when I went back I could tell you. I believe I staid there a few months and then I went to the state of Idaho and then I came back there and remained there.

Q When did you next come back to the Choctaw Nation? A Last year.

Q The fall of 1901? A The fall of 1901.

Q Then the only residence you have ever had in the Choctaw Nation , was when you first came here and staid a month or six weeks and then when you came back in the fall of 1901? A No, I stopped here once more before that? I have been in here three times.

Q What three times? A When I was a little tad and staid a month or six weeks. The next time I come over here and stopped over a winter and enrolled at Tushkahomma, staid four or five months.

Q When was that? A I don't remember. When we enrolled at Tushkahomma. I don't remember the time. We enrolled and that is the time I stopped over here that winter with my sister and brother and his mother. The Dawes Commission was at Tushkahomma and I went down there and enrolled. I went back home early in the spring of the year.

Q Went back to Montana after that? A Yes sir.

Q You have been out of the Nation since that time until you came back here in the fall of 1901? A Yes sir.

Q Have you ever removed to the Choctaw Nation with the intention of making it your permanent home? A At the present time, yes sir, I intend to make it my home here.

Q That is on the last trip? A Yes sir.

Q On the other two trips you still had a home in Montana and your people still lived there? A Yes sir.

Q What was the idea of coming down here the first two times?

A To see the folks. To see the relations.

Q What is your father's name? A Marin Dukes.

Q Is he living? A No sir, He's dead.

Q What is your mother's name? A Josephine Dukes.

Q Where does she live? A State of Montana.

Q Has she always lived in the state of Montana? A Nearly all her life. Lived here part of the time.
Q Your mother is a white woman? A Yes sir.
Q Your father was a Choctaw? A Yes sir.
Q Are you married? A Yes sir.
Q Are you making any application for your wife? A I intended to.
Q Do you apply for her as an intermarried citizen? A Yes sir.
Q What is her name? A Mattie Dukes.
Q How old is she? A She is going on nineteen.
Q Is she a white woman? A She's a white woman.
Q What is her father's name? A John Vickers.
Q How do you spell that? A V-i-c-k-e-r-s.
Q Is your wife's father living? A Dead.
Q What is your wife's mother's name? A I believe it is Angeline Vickers.
Q Is she living? A Dead.
Q They were both white persons? A Both white.
Q Your wife is a white woman? A Yes sir.
Q Where did you marry her? A State of Montana.
Q Where is she living now? A South McAlester.
Q How long has she been living at South McAlester? A Nearly three months now.
Q Is this the first time she has lived in the Choctaw Nation? A The first time.
Q When did you marry her? A The 27th of October, 1900.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, the marriage license and certificate under the laws of the state of Montana to Charles G. Dukes to marry Miss Mattie Vickers.

Q Have you any children? A No children.
Q Have you ever drawn any money as a citizen of the Choctaw Nation? A No sir.

The name of the applicant appears upon the 1896 census roll of the citizens of the Choctaw Nation as a citizen by blood, page 80, No. 3352, as a resident of Wade County. After his name is a notation, "Non resident."

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1908, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of May, 1908.

Charles H. Lawrence

Notary Public.

..Marriage License..

Chas. G. Duke
to
Hattie Vickers

Filed for record the 6th
day of December
A. D. 1900 at 10 15 o'clock a M.,
and duly recorded in Book C.
Page 347 of Marriage Licenses.
Jno. L. Sloane Clerk.
By Thos. E. Evans Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 19 1902
ACTING CHAIRMAN.

CHOCTAW.
D723

STATE OF MONTANA, COUNTY OF MISSOULA, } ss:

MARRIAGE LICENSE.

These Presents Are to authorize any Justice of the Supreme Court, Judge of the District Court, any Justice of the Peace within the said County, or the Mayor of any City, or Priest or Minister of the Gospel of any denomination or any Religious Society, according to the usages of said Society, to solemnize, within said County, the marriage of Chas. G. Dukes a white man, aged 20 years, born at Missoula in the County of Missoula, State of Montana, and now residing at Missoula, in the County of Missoula, State of Montana, and son of Edmund Dukes and Josephine Pilkey with Hattie Vickers white woman, aged 16 years, born at Portland in the County of Multnomah, State of Oregon, and now residing at Missoula, in the County of Missoula and State of Montana, and daughter of John Vickers and Angeline Fabian

Written Consent of Parents on file

Said parties being of sufficient age to be capable of contracting marriage, and there being no legal impediment thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the Fourth Judicial District, this 27th day of October A. D. 1900

Jno. L. Sloane Clerk.

By Thos. E. Sloane Deputy Clerk.

STATE OF MONTANA, COUNTY OF MISSOULA, } ss.

CERTIFICATE.

THIS IS TO CERTIFY, That the undersigned, a Justice of the Peace did on the 27th day of October A. D. 1900 join in lawful wedlock Charles G. Dukes and Hattie Vickers with their mutual consent, in the presence of H. F. Rust and Hattie Haight witnesses.

WITNESS my hand this the 27th day of October 1900

Wm Hayes, Justice of the Peace

Hell gate Township, Missoula Co Montana

Attest: H. F. Rust, Hattie Haight } Witnesses.

N. B.—The party solemnizing marriage should sign the foregoing Certificate in his ministerial or official character, designating the same, and forward the said Certificate and License to the Clerk of the County in which the ceremony took place, within 30 days thereafter.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 23, 1902.

Choctaw D 723.
Intermarried.

In the matter of the application of Hattie Dukes for enrollment as an intermarried citizen of the Choctaw Nation.

Hattie Dukes, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Hattie Dukes.
Q How old are you? A Eighteen.
Q What is your post office address? A South McAlester, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Going on two years.
Q You have lived here continuously for the past two years? A Yes sir
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw husband through whom you claim these rights? A Charles G. Dukes.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Have his rights as such ever been disputed? A No sir.
Q When were you married to Charles G. Dukes? A 2 years ago the 22nd of October.
Q Where was the marriage ceremony performed? A Missoula, Montana.
Q At that time were you living in Montana? A Yes sir.
Q Where was his home? A His home at that time was in Montana.
Q Were you married under the laws of the state of Montana ? A Yes sir.
Q How soon after that marriage did you come to Indian Territory? A Three months afterwards.
Q You have lived here ever since? A Yes sir.
Q Is that the only time you were ever married to this man? A Yes sir
Q Were you ever married before your marriage to him? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 7 day of January 1903.

Charles E. Sawyer
Notary Public.

7-D-723.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Dukes as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 19, 1902, Charles G. Dukes appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Hattie Dukes, as a citizen by intermarriage of said nation. Additional proceedings were had in the matter of the application for the enrollment of Hattie Dukes at South McAlester, Indian Territory, on December 23, 1902.

It further appears from the record herein that the applicant, Hattie Dukes, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on October 27, 1900, to Charles G. Dukes, whose application for enrollment as a citizen by blood of the Choctaw Nation was on December 29, 1905, denied by the Commissioner to the Five Civilized Tribes. Said decision was on January 31, 1906 (I.T.D. 1590-1906) affirmed by the Department.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It is, therefore, ordered that the application made for the enrollment of Hattie Dukes as a citizen by intermarriage of the Choctaw Nation be, and the same is, hereby dismissed.

Commissioner.

Muskogee, Indian Territory,

APR 28 1906

7-D-723

Muskogee, Indian Territory, April 28, 1906.

Mattie Dukes,

South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Registered.

Incl. 7-D-723

7-D-723

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 28, 1906, dismissing the application for the enrollment of Hattie Dukes as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-723

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 19, 1902.

In the matter of the application of Charles G. Dukes, for enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Hattie Dukes, as a citizen by intermarriage of the Choctaw nation. Charles G. Dukes being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charles G. Dukes.
Q How old are you? A Going on twenty-two.
Q What is your postoffice address? A South McAlester.
Q What Nation is that in? A I suppose the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I could n't tell you the exact time. Some time during last fall.
Q The fall of what year? A The fall of 1901.
Q You have been living here continuously since what month in 1901? A I couldn't tell you what month.
Q Where did you live before your residence in the Choctaw Nation? A I lived in the state of Montana.
Q Always lived in the state of Montana up until the time you moved to the Choctaw Nation? A Not always. Lived in one state and then another.
Q Did you ever live in the Choctaw nation or make your home in the Indian Territory prior to last fall? A To make it my home here I couldn't say that I ever made it my home or not.
Q Were you in the Choctaw Nation prior to 1901? A Yes sir.
Q When. A I don't remember what year it was. What year was it we enrolled at Tushkahomma? 1896 or 1897 - I lived at Talihina.
Q Where were you born? A Montana.
Q How long did you live there before you went out of the state? A until I was twelve years old.
Q Where did you go? A California.
Q How long did you stay there? A About six months.
Q Where did you go from there? A I went from there to Ogden, Utah.
Q How long did you stay in Utah? A About a couple of months.
Q Then where did you go? A Montana.
Q How long did you stay there? A About three or four years.
Q Then where did you go? A If I am not mistaken I came to the Nation.
Q When was that? A During the years of -- the years that I enrolled at Tushkahomma- I don't remember. If I am not mistaken I came to St. Louis, Missouri then and we spent New Years day in St. Louis and then came to the Territory.
Q How old were you when you came to the Choctaw nation?
A The first time?
Q Yes sir. A I don't remember.

Q About how old? A I don't know exactly. I couldn't tell you.

Q That was the first time you were in the Choctaw Nation when you came here in the winter of 1896 or 1897 and went to Tushkahomma? A I don't remember whether that was my first trip and I have come here since then. I don't know whether I came here before that time or after but I know this is my third trip in here.

Q Don't you remember the first time you came here? A I remember of the time but I don't remember ----

Q About how big a man were you? A Nothing but a little tad when I came in here.

Q How long did you stay here that time? A The first time? Not very long.

Q About how long? A I should judge about a month or six weeks.

Q Then where did you go? A Back to the state of Montana.

Q How long did you stay there? A I couldn't tell you. I have no idea.

Q Have no idea how long you were in Montana after you were here in the Nation? A No sir, I haven't.

Q Was it two weeks or six years? Give me some idea of how long you were back there? A If I could remember what I done when I went back I could tell you. I believe I staid there a few months and then I went to the state of Idaho and then I came back there and remained there.

Q When did you next come back to the Choctaw Nation? A Last year.

Q The fall of 1901? A The fall of 1901.

Q Then the only residence you have ever had in the Choctaw Nation , was when you first came here and staid a month or six weeks and then when you came back in the fall of 1901? A No, I stopped here once more before that? I have been in here three times.

Q What three times? A When I was a little tad and staid a month or six weeks. The next time I come over here and stopped over a winter and enrolled at Tushkahomma, staid four or five months.

Q When was that? A I don't remember. When we enrolled at Tushkahomma. I don't remember the time. We enrolled and that is the time I stopped over here that winter with my sister and brother and his mother. The Dawes Commission was at Tushkahomma and I went down there and enrolled. I went back home early in the spring of the year.

Q Went back to Montana after that? A Yes sir.

Q You have been out of the Nation since that time until you came back here in the fall of 1901? A Yes sir.

Q Have you ever removed to the Choctaw Nation with the intention of making it your permanent home? A At the present time, yes sir. I intend to make it my home here.

Q That is on the last trip? A Yes sir.

Q On the other two trips you still had a home in Montana and your people still lived there? A Yes sir.

Q What was the idea of coming down here the first two times?

A To see the folks. To see the relations.

Q What is your father's name? A Edwin Dukes.

Q Is he living? A No sir, He's dead.

Q What is your mother's name? A Josephine Dukes.

Q Where does she live? A State of Montana.

Charles G. Dukes 3

Q Has she always lived in the state of Montana? A Nearly all her life. Lived here part of the time.
Q Your mother is a white woman? A Yes sir.
Q Your father was a Choctaw? A Yes sir.
Q Are you married? A Yes sir.
Q Are you making any application for your wife? A I intended to.
Q Do you apply for her as an intermarried citizen? A Yes sir.
Q What is her name? A Hattie Dukes.
Q How old is she? A She is going on nineteen.
Q Is she a white woman? A She's a white woman.
Q What is her father's name? A John Vickers.
Q How do you spell that? A V-i-c-k-e-r-s.
Q Is your wife's father living? A Dead.
Q What is your wife's mother's name? A I believe it is Angeline Vickers.
Q Is she living? A Dead.
Q They were both white persons? A Both white.
Q Your wife is a white woman? A Yes sir.
Q Where did you marry her? A State of Montana.
Q Where is she living now? A South McAlester.
Q How long has she been living at South McAlester? A Nearly three months now.
Q Is this the first time she has lived in the Choctaw Nation? A The first time.
Q When did you marry her? A The 27th of October, 1900.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, the marriage license and certificate under the laws of the state of Montana to Charles G. Dukes to marry Miss Hattie Vickers.

Q Have you any children? A No children.
Q Have you ever drawn any money as a citizen of the Choctaw Nation? A No sir.

The name of the applicant appears upon the 1896 census roll of the citizens of the Choctaw Nation as a citizen by blood, page 80, No. 3352, as a resident of Wade County. After his name is a notation, "Non resident."

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1902, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 19th day of May, 1902.

Charles Ketchum

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 19, 1902.

In the matter of the application of Charles G. Dukes, for enrollment as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Hattie Dukes, as a citizen by intermarriage of the Choctaw nation. Charles G. Dukes being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charles G. Dukes.
Q How old are you? A Going on twenty-two.
Q What is your postoffice address? A South McAlester.
Q What Nation is that in? A I suppose the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A I could n't tell you the exact time. Some time during last fall.
Q The fall of what year? A The fall of 1901.
Q You have been living here continuously since what month in 1901? A I couldn't tell you what month.
Q Where did you live before your residence in the Choctaw Nation? A I lived in the state of Montana.
Q Always lived in the state of Montana up until the time you moved to the Choctaw nation? A Not always. Lived in one state and then another.
Q Did you ever live in the Choctaw nation or make your home in the Indian Territory prior to last fall? A To make it my home here I couldn't say that I ever made it my home or not.
Q Were you in the Choctaw Nation prior to 1901? A Yes sir.
Q When. A I don't remember what year it was. What year was it we enrolled at Tushkahoma? 1896 or 1897 - I lived at Talihina.
Q Where were you born? A Montana.
Q How long did you live there before you went out of the state? A until I was twelve years old.
Q Where did you go? A California.
Q How long did you stay there? A About six months.
Q Where did you go from there? A I went from there to Ogden, Utah.
Q How long did you stay in Utah? A About a couple of months.
Q Then where did you go? A Montana.
Q How long did you stay there? A About three or four years.
Q Then where did you go? A If I am not mistaken I came to the Nation.
Q When was that? A During the years of -- the years that I enrolled at Tushkahoma- I don't remember. If I am not mistaken I came to St. Louis, Missouri then and we spent New Years day in St. Louis and then came to the Territory.
Q How old were you when you came to the Choctaw nation?
A The first time?
Q Yes sir. A I don't remember.

Q About how old? A I don't know exactly. I couldn't tell you.

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Q Don't you remember the first time you came here? A I remember of the time but I don't remember ----

Q About how big a man were you? A Nothing but a little tad when I came in here.

Q How long did you stay here that time? A The first time? Not very long.

Q About how long? A I should judge about a month or six weeks.

Q Then where did you go? A Back to the state of Montana.

Q How long did you stay there? A I couldn't tell you. I have no idea.

Q Have no idea how long you were in Montana after you were here in the Nation? A No sir, I haven't.

Q Was it two weeks or six years? Give me some idea of how long you were back there? A If I could remember what I done when I went back I could tell you. I believe I staid there a few months and then I went to the state of Idaho and then I come back there and remained there.

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Q The fall of 1901? A The fall of 1901.

Q Then the only residence you have ever had in the Choctaw Nation , was when you first came here and staid a month or six weeks and then when you came back in the fall of 1901? A No, I stopped here once more before that? I have been in here three times.

Q What three times? A When I was a little tad and staid a month or six weeks. The next time I come over here and stopped over a winter and enrolled at Tushkahomma, staid four or five months.

Q When was that? A I don't remember. When we enrolled at Tushkahomma. I don't remember the time. We enrolled and that is the time I stopped over here that winter with my sister and brother and his mother. The Dawes Commission was at Tushkahomma and I went down there and enrolled. I went back home early in the spring of the year.

Q Went back to Montana after that? A Yes sir.

Q You have been out of the Nation since that time until you came back here in the fall of 1901? A Yes sir.

Q Have you ever removed to the Choctaw Nation with the intention of making it your permanent home? A At the present time, yes sir. I intend to make it my home here.

Q That is on the last trip? A Yes sir.

Q On the other two trips you still had a home in Montana and your people still lived there? A Yes sir.

Q What was the idea of coming down here the first two times?

A To see the folks. To see the relations.

Q What is your father's name? A Edwin Dukes.

Q Is he living? A No sir, He's dead.

Q What is your mother's name? A Josephine Dukes.

Q Where does she live? A State of Montana.

Charles G. Dukes 3

Q Has she always lived in the state of Montana? A Nearly all her life. Lived here part of the time.
Q Your mother is a white woman? A Yes sir.
Q Your father was a Choctaw? A Yes sir.
Q Are you married? A Yes sir.
Q Are you making any application for your wife? A I intended to.
Q Do you apply for her as an intermarried citizen? A Yes sir.
Q What is her name? A Hattie Dukes.
Q How old is she? A She is going on nineteen.
Q Is she a white woman? A She's a white woman.
Q What is her father's name? A John Vickers.
Q How do you spell that? A V-i-c-k-e-r-s.
Q Is your wife's father living? A Dead.
Q What is your wife's mother's name? A I believe it is Angeline Vickers.
Q Is she living? A Dead.
Q They were both white persons? A Both white.
Q Your wife is a white woman? A Yes sir.
Q Where did you marry her? A State of Montana.
Q Where is she living now? A South McAlester.
Q How long has she been living at South McAlester? A Nearly three months now.
Q Is this the first time she has lived in the Choctaw Nation? A The first time.
Q When did you marry her? A The 27th of October, 1900.

There is offered in evidence, marked exhibit "A" filed and made a part of the record in this case, the marriage license and certificate under the laws of the state of Montana to Charles G. Dukes to marry Miss Hattie Vickers.

Q Have you any children? A No children.
Q Have you ever drawn any money as a citizen of the Choctaw Nation? A No sir.

The name of the applicant appears upon the 1896 census roll of the citizens of the Choctaw Nation as a citizen by blood, page 80, No. 3352, as a resident of Wade County. After his name is a notation, "Non resident."

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1902, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of May, 1902.

Charles N. Sawyer

Notary Public:

7-D-723.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles G. Dukes as a citizen by blood of the Choctaw Nation.

- - D E C I S I O N : - -

It appears from the record herein that on May 19, 1902, Charles G. Dukes appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Hattie Dukes as a citizen by intermarriage of the Choctaw Nation. The application for the enrollment of Hattie Dukes being differently classified is not included in this decision.

The evidence in this case shows that the applicant, Charles G. Dukes is a son of Edwin Dukes, deceased, an alleged Choctaw by blood, and Josephine Dukes, a non-citizen; that said applicant was born in the state of Montana where he continued to reside and make his home until 1901, when he removed to Indian Territory, and that with the exception of two or three temporary visits has never resided within the limits of Indian Territory.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that said applicant is identified upon the 1896 Choctaw census roll, Wade county, No. 3352, and opposite said enrollment is found the notation, "non-resident."

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides,

> "No person shall be enrolled who has not heretofore removed to, and in good faith settled in the nation in which he claims citizenship.."

In view of the above facts it is considered that said applicant was not a resident in good faith of Indian Territory on June 28, 1898.

I am therefore of the opinion that the application made for the enrollment of Charles G. Dukes as a citizen by blood of the Choctaw Nation should be denied under the provisions of law above quoted, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC [illegible]

COPY

7-D-723

Muskogee, Indian Territory, December 29, 1905.

Charles G. Dukes,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl.7-D-723.

OPY.

7-D-723

Muskogee, Indian Territory, December 29, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 29, 1905, denying the application for the enrollment of Charles G. Dukes as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceeding in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Incl. 7-D-723.

Commissioner.

Muskogee, Indian Territory, December 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Charles G. Dukes for enrollment as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 29, 1905, denying said application.

Respectfully,

2 Incl. 7-D-723

Commissioner.

Through the
Commissioner of Indian Affairs.

VWI

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C.

J.Y. Jr

I.T.D.1590-1906.
D.C. 4296-1906.

January 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record in the matter of the application of Charles G. Dukes for enrollment as a citizen by blood of the Choctaw Nation.

Reporting January 25, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 29, 1905, is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,

LAND
122-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation of Charles S. Dukes.

December 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant is a son of Edwin Dukes, deceased, an alleged Choctaw by blood, and Josephine Dukes, a non-citizen; that the applicant was born in the state of Montana where he continued to reside and make his home until 1901, when he removed to the Indian Territory, and that with the exception of two temporary visits, has never resided within the limits of the Indian Territory. The applicants name is indentified on the 1896 Choctaw Census roll and opposite the enrollment is found the notation "non-resident".

In view of the record and of Section 21 of the act of June 28, 1898 (30 Stats. 495), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,
S.F.Larrabee,
Acting Commissioner.

MMC
G

7-B-723

Muskogee, Indian Territory, February 9, 1906.

Charles G. Dabes,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior affirmed the decision of this office dated December 29, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation, under date of January 31, 1906.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, February 9, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 31, 1906, affirmed the decision of this office dated December 29, 1905, denying the application for the enrollment of Charles G. Dukes as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Choctaw-Nations.

Muskogee, Indian Territory, January 31, 1905.

W. G. Dukes,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 17, 1905, in which you ask relative to the status of the intermarried case of Hatty Dukes.

In reply to your letter you advised that it appears from our records that Charles G. Dukes and Hattie Dukes have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation, and that their final right to such enrollment has not yet been determined.

As soon as a decision has been reached in this case you will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

NNI

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C.

J.Y. JT

I.T.D.1590-1906.
D.C. 4296-1906.

January 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 29, 1905, you transmitted the record in the matter of the application of Charles G. Dukes for enrollment as a citizen by blood of the Choctaw Nation.

Reporting January 25, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 29, 1905, is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,

LAND
122-1906. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 29, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation of Charles C. Dukes.

December 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant is a son of Edwin Dukes, deceased, an alleged Choctaw by blood, and Josephine Dukes, a non-citizen; that the applicant was born in the state of Montana where he continued to reside and make his home until 1901, when he removed to the Indian Territory, and that with the exception of two temporary visits, has never resided within the limits of the Indian Territory. The applicants name is identified on the 1896 Choctaw Census roll and opposite the enrollment is found the notation "non-resident".

In view of the record and of section 21 of the act of June 28, 1898 (30 Stats. 495), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,
C.F.Larrabee,
Acting Commissioner.

MMW
C

Talihina, Ind Ter Feb 8th 1906.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee Ind Ter.

Dear Sir:-

I am directed to make inquiry upon the following names, for citizenship upon the Choctaw Rolls.

Charles G. Duke, newphew of Gilbert W. Duke Ex governor of the Choctaw Nation, also his wife Hattie Dukes.

Josephine Leheau sister to Charles G. Dukes.

I am informed that these parties were put upon doubtful cards in making up the Roll of 1896, therefore is occurs to me that an early hearing upon their citizenship could be had. There is no doubt as to their blood, Ex Gov Dukes, who resides near this place, can and will testify to this, in fact I know to some extent. I will thank you to advise me upon the subject at an early date. I think I will be in muskogee some time the coming week, if so will call upon you, however advise me by letter.

Yours truly.

Jno. J. Thomas.

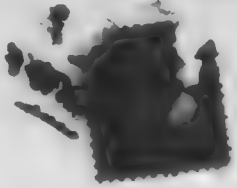
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

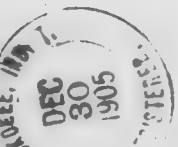
449

FILED
FEB 7 - 1906

Commissioner.

0899





RETURN TO

Char[illegible] Dukes,
[illegible] McAlester, Ind. Ter.

1278

2-8-1723

FEB
8
6

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

22648

5446

Returned to writer

Not in Dukes,

MUSKOGEE, IND. T.
APR 30 1906
REGISTERED.

SOUTH MCALESTER, I.T.
MAY 4 1906
REGISTERED

PENALTY FOR PRIVATE USE

Rec'd letter 5/10/06

1-N-173

MUSKOGEE, IND. T.
JUN 4 1906
REC. DW.

SOUTH McALESTER, IND. T. REGISTER
MAY 1 1906

CEC... D. 724

Jeanette

...ANIED

Transferred to Choctaw card No. 1138.

January ... 1905.

CHOCTAW D. 725

John C[illegible]

GRANTED

Transferred to Choctaw card No. 159.

January [illegible] 1896.

Choctaw D726

Boyd M. Lowe

CHOCTAW

Lloyd M. Lowe

RELEASED

DECISION RENDERED NOV 1904

REFUSED

COPY OF DECISION

APPLICAT

COPY OF DE

ATTORNEYS FOR

CHICKASAW NATIONS

RECORD FORWARDED

NT.

BY

ACTION APPROVED BY

SECRETARY OF INTE

NOV 2

NOTICE OF DEPARTMENTAL

ACTION MAILED APPL

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NOTICE OF DEP

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AND CHICKA

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 19th, 1902.

In the matter of the application of Boyd M. Lowe for enrollment as a citizen by intermarriage of the Choctaw Nation. Boyd M. Lowe being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Boyd M. Lowe.
Q How old are you? A Twenty-two.
Q What is your post-office address? A Marlow.
Q What Nation is that in? A Chickasaw.
Q How long have you lived in the Chickasaw Nation?
A Twelve years.
Q Lived there continuously for the past twelve years?
A Yes sir.
Q What is your father's name? A George W. Lowe.
Q Is your father living? A No sir.
Q What is your mother's name? A Mary M. Lowe.
Q Is your mother living? A Yes sir.
Q Your mother and father both white persons? A Yes sir.
Q Have they ever been recognized as members of any tribe of Indians? A No sir.
Q You are a white man? A Yes sir.
Q Have you ever drawn any payment as a citizen of any tribe of Indians or ever been recognized and enrolled as a member of any tribe of Indians? A No sir.
Q You are making application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Ella T. Burkes.
Q Is she a citizen by blood of the Choctaw Nation? A I know nothing about it only what is claimed.
Q Do you know how she became a citizen of the Choctaw Nation?
A She claims it by blood.

Ella T. Burkes, the wife of this applicant, has been listed for enrollment by this Commission as a citizen of the Choctaw Nation having been admitted to citizenship by judgment of the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896.

Q When did you marry Ella T. Burkes? A The last Monday in last year.
Q Where did you marry her? A Marlow.
Q Who married you? A Allison.
Q Did you obtain a license from the Chickasaw tribal authorities to marry your wife according to the tribal laws of the Chickasaw Nation? A No sir.
Q Your wife was a resident of the Chickasaw Nation at the time you married her? A Yes sir.
Q How long before that time had she been a resident of the Chickasaw Nation. A I only knowed them three years.
Q Been living in the Chickasaw Nation for three years prior to your marriage? A Yes sir.

The applicant here offers in evidence the marriage license and certificate of B. M. Lowe and Rila Whitten Burrows, the license being dated December 23, 1898, issued by C. M. Campbell, Clerk United States Court for the Southern District of the Indian Territory.

Q. Is the marriage license that you obtained from C. M. Campbell Clerk of the United States Court for the Southern District, Indian Territory, the only license you ever obtained to marry this woman? A. Yes Sir.

Q. Are you still living with this woman. A. Yes sir.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 20th day of May, 1902.

Charles N. Sawyer

Notary Public.

(Copy)

-7-D-726-

MARRIAGE LICENSE.

No. 344.

UNITED STATES OF AMERICA,
Indian Territory, } ss.
Southern District

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are hereby commanded

to solemnize the Rite and publish the Banns of Matrimony between MR. B. M. LOWE, of Marlow, in the Indian Territory, aged 21 years, and MISS ELLA ELITHA BURKES, of Marlow, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this

L I C E N S E

to the parties therein named.

Witness my hand and official seal this 23rd day of December, 1901.

C. M. CAMPBELL,
Clerk of the United States Court.

J. W. Speake, Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory, } ss.
Southern District

I, G. B. Allison, a Minister of the Gospel, do hereby certify that on the 30 day of December, A. D. 1901, I did duly and according to law, as commanded in the foregoing license, solemnize the Rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 31 day of Dec. , A.D.1901.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book C page 18. (signed)

G. B. ALLISON,
a Minister of the Gospel.

Certificate of Record of Marriage.

United States of America,
Indian Territory, } sct.
Southern District

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the license for and Certificate of Marriage of Mr. B. M. Lowe and Ella T. Burks were filed in my office in said Territory and District the 1 day of January, A.D.1902, and duly recorded in Book F of Marriage Record, page 181. Witness my hand and seal of said Court at Ardmore, this 15 day of Feb. A.D.1902.

C. M. CAMPBELL, Clerk.

(SEAL)

Note(a)-This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

Note (b)- No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

(ENDORSE)

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

Ardmoreite Steam Print.

Filed Jan 1 1902 1 PM

C. M. Campbell, Clerk.

Southern Dist. Ind. Ter.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Filed May 19 1902.

Tams Bixby,

Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I. T. October 15, 1902.

Choctaw D-726

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Boyd M. Lowe.

Boyd M. Lowe being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Boyd M. Lowe.
Q How do you spell that name? A L-o-w-e.
Q How old are you? A Twenty-three next March.
Q Your post office address? A Marlow.
Q Are you the same Boyd M. Lowe who on May 19, 1902, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q You claim your right by reason of your marriage to Ella T. Burks? A Yes, sir.
Q Were you ever married to this woman in accordance with the tribal laws of the Choctaw or Chickasaw Nation? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 17 day of October 1902.

J. B. Beaners
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Boyd M. Lowe as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-726.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw & Chickasaw Nations

January 23, 1904.

(Endorsed on back as follows)

Choctaw D-726.
In the matter of the enrollment of Boyd M. Lowe as an intermarried citizen of the Choctaw Nation. PROTEST of Choctaw and Chickasaw Attorneys.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED FEB 6 1904

TAMS BIXBY CHAIRMAN:

Returned by Department

7-B-726.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Boyd M. Lowe as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on December 29, 1901, the applicant, Boyd M. Lowe, a white man, was married, under a license issued by the Clerk of the United States Court for the Southern District of Indian Territory, to Ella I. Lowe (nee Burkes), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14175 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on April 11, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It does not appear from the record herein or the records in the possession of the Commission that the applicant was ever admitted to citizenship in the Choctaw Nation by any legally constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321); neither does it appear that the applicant was ever married to a recognized and enrolled citizen by blood of the Choctaw Nation in accordance with the laws, customs and usages of said nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Boyd M. Lowe as a citizen by intermarriage of the Choctaw Nation should be denied

In accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1898

Choctaw D 726

COPY.

Muskogee, Indian Territory, November 9, 1904.

Boyd M. Lowe,

Marlow, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, denying the application made by you for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-726.

Choctaw D 726

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, denying the application for the enrollment of Boyd M. Lewe as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. 7-D-726.

COPY.

Muskogee, Indian Territory, November 9, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Boyd M. Lewis for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission dated November 9, 1904, denying said application.

Respectfully,

(SIGNED)

Taffie Bixby

Chairman.

2 Incl. T-B-TDS.

Through the
Commissioner of Indian Affairs.

1

DEPARTMENT OF THE INTERIOR

E.P.
FWH

D.O. 45045-1904.
I.T.D. 11250-1904.
LRS.

WASHINGTON November 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 9, 1904, you transmitted the record in the matter of the application of Boyd M. Lowe for enrollment as an intermarried citizen of the Choctaw Nation, including your decision of the same date denying said application.

Reporting in the matter November 8, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON November 18, 1904.

Land.
70287-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 9, 1904, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Boyd M. Lewe,

November 9, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is a white man having no Indian blood; that he was married December 29, 1901, to Ella I. Burkes, a recognized and enrolled citizen by blood of the Choctaw Nation under a license issued by the Clerk of the United States Court for the Southern District of Indian Territory and not in accordance with the laws, customs and usages of the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

W. A. Jones,
Commissioner.

M.M.M.

Chectaw D 728

COPY.

Muskogee, Indian Territory, December 2, 1904.

Dave H. Love,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of November 23, 1904, affirmed the decision of this Commission dated November 8, 1904, refusing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

MONROE

Tams Bixby

Chairman.

Choctaw D 728

COPY.

Muskogee, Indian Territory, December 2, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of November 23, 1904, affirmed the decision of this Commission dated November 9, 1904, refusing the application for enrollment of Boyd M. Lowe as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Choctaw D 736

Muskogee, Indian Territory, February 11, 1904.

Boyd H. Love,

Marlowe, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 28, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Richard H. Byington

Record transferred to
Choctaw card # 4229

Choctaw D728

Alvy Coon

Wylborn

REFUSED FEB 1 1906

DECISION RENDERED. FEB 19 1906

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS FEB 19 1906

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT. FEB 19 1906

COPY OF DECISION FORWARDED APPLICANT FEB 19 1906

RECORD FORWARDED DEPARTMENT. FEB 19 1906

ACTION APPROVED BY SECRETARY OF INTERIOR. JAN 12 1907

NOTICE OF DEPARTMENTAL ACTION MAILED PARTIES HEREIN. JAN 23 1907

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 23, 1902.

In the matter of the application of Alvy Coon for enrollment as a citizen by blood of the Choctaw Nation. Alvy Coon being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Alvy Coon.
Q How old are you? A Thirty two years old.
Q What is your post-office address? A Reff.
Q Chickasaw Nation? A Yes sir.
Q You are just making application for yourself? A That's all- yes sir.
Q You claim your right to enrollment as a citizen by blood of the Choctaw Nation? A I do. Yes sir.
Q What is your father's name? A Ennis Coon.
Q Is your father living? A No sir.
Q Was he a white man? A Yes sir.
Q What is your mother's name? A Mary Coon.
Q Is your mother living? A No sir.
Q Was she a citizen by blood of the Choctaw Nation? A She was.
Q How long has she been dead? A Something like twenty-five years.
Q During her lifetime was she recognized and enrolled as a citizen of the Choctaw Nation? A I couldn't tell you that . She was recognized I suppose.
Q You don't know anything about her enrollment by the tribal authorities? A No sir, I don't know. I was too small to remember anything about it.
Q Have you lived in the Choctaw or Chickasaw Nations continuously for the past ten years? A Yes sir.
Q Never have made your residence any where else? A No sir.
Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A As a citizen by blood?
Q Yes sir. A It don't seem as though I was. I had this man, Joseph Everidge to enroll me and how he enrolled me I see it seems to be as an intermarried citizen; rejected at that.

The tribal rolls of the Choctaw Nation in the possession of the Commission have been examined and the name of this applicant is not found upon any of such rolls as a citizen by blood of the Choctaw Nation. Upon the 1896 census roll of the citizens of the Choctaw Nation, page 364, No. 14411 appears the name of Al Coon, 30 years of age, as an intermarried citizen, resident of Kiamitia County.

Q Were you ever married to a citizen by blood of the Choctaw Nation? A I was.
Q What was her name? A Vinay Coon. Her name was Vinay

Peters. Her maiden name.

Q When did you marry her? A In '91 I believe. December of '91.

Q Where were you married to her? A I was married to her in Texas. Paris Bluff just across the river from the Territory.

Q Did you obtain a license to marry her? A I did, yes sir.

Q Where did you obtain your license? A Paris, Texas.

Q Married under a United States license? A Yes sir.

Q Were you ever married to Viney Coon under a Choctaw license? A No sir.

Q Did you ever attempt to obtain a Choctaw license to marry her? A No sir, never did.

Q How long did you live with her? A I lived with her four years, a little over.

Q Did you have any children by her? A Two.

Q What are their names? A Charlie the oldest and Willie May the next.

Q Is your wife dead? A No sir.

Q You are separated from her? A Yes sir.

Q When were you separated? A About '95. I think it was in December of '95.

Q Have you been divorced? A I have, yes sir.

Q Have you married since then? A Yes sir.

Q Who did you marr y? A Rhoda Hodges.

Q Is she a white woman? A No sir.

Q What is she? A She's a Choctaw.

Q Did you marry her under a Choctaw license? A No sir, I did not.

Q When did you marry her? A The 6th of last June.

Q Who obtained the divorce? A I did myself.

Q On what ground? A A whole lot of grounds. Mighty near every thing you might want to mention. I had any grounds a divorce could be got on.

Q You instituted the suit for divorce did you? A Yes sir.

Al Coon the applicant, applies for enrollment as a citizen by blood of the Choctaw Nation. His name is not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission as a citizen by blood of the Choctaw Tribe of Indians nor does it appear that he has ever been admitted as a citizen of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian territory, under the provisions of the act of Congress of June 10, 1896.

It appears that the applicant has been married two citizens by blood of the Choctaw Nation, first to Viney Coon a full blood Choctaw Indian who has been listed for enrollment by the Commission and appears upon Choctaw roll card, field No. 1435. He lived with her five years when they were divorced. And the name of the applicant is found upon the 1896 census roll of the Choctaw nation as a citizen by intermarriage. It does not appear that he was ever married to Viney Coon under a license issued by the tribal authorities of the Choctaw nation.

The applicant is now married to Rhoda Hodges, a Choctaw citizen by blood who has been listed for enrollment as such by the Commission to the Five

Alvy Coom 3

Civilized Tribes on Choctaw roll card field No. 4236 but the applicant has not been married to this woman in accordance with the tribal laws of the Choctaw Nation.

For the purpose of allowing the applicant herein an opportunity of presenting such evidence as he may have or secure relative to his recognition by the Choctaw tribal authorities as a citizen by blood of the Choctaw Nation, thirty days' time from this date is granted for that purpose and for the further consideration of the Commission, the name of the applicant is placed upon the list of doubtful claimants to citizenship in the Choctaw Nation.

Myra Young, having been first duly sworn, upon her oath states, that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of May, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 22nd day of May, 1902.

Notary Public.

7-D--728

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, DECEMBER 12, 1904.

In the matter of the application of Alvy Coon for enrollment as a citizen by intermarriage of the Choctaw Nation.

SUPPLEMENTARY TESTIMONY

CHILLION RILEY, ATTORNEY
Appeared on behalf of Applicant.

STATEMENT OF CASE.

BY MR RILEY:

I want to introduce testimony on the part of the applicant showing his right as an intermarried citizen of the Choctaw Nation, and not as a citizen by blood.

ALVY COON
Being first duly sworn testified as follows:

BY MR RILEY.

Q What is your name? Alvy D. Coon.
Q How do you spell your name? A ALVY D. Coon.
Q How old are you Mr Coon? A I am 34 years old.
Q Where do you live now? A In the Chickasaw Nation.
Q What place in the Chickasaw Nation? A At Roth.
Q Where did you live before you moved to the Chickasaw Nation?
A At Goodland in the Choctaw Nation, Kiamitia County.
Q How long have you lived in the Choctaw Nation before moving to the Chickasaw Nation? A Ever since I was 2 years old
Q You now claim the right to enrollment as a citizen of the Choctaw Nation by intermarriage do you? A Yes sir.
Q What was the name of your Choctaw wife before you were married to her? A Vina Peters.
Q Was she a recognized citizen by blood of the Choctaw Nation?
A Yes sir.
Q When were you and Vina Peters married? A Really I could not tell you; I get kind of balled up on the date of the years; it was either in '91 or '92; I don't know which ; it was the latter part of '91 or '92.
Q Where were you married? A We were married right cl ose to Mr Rushings; John Rushings house.
Q Where was that? A That was in Jackson County, Chickasaw Nation.
Q In the Choctaw Nation wasn't it? A Yes sir, in the Choctaw

Q Under what law were you married? A Under the Choctaw law.
Q Did you secure a Choctaw license? A I did.
Q Where is that Choctaw license? A I could not tell you that; we kept it for a long time and then it disappeared somewhere.
Q It is not in your possession now? A No sir it is not in my possession now.
Q Have you made search lately for it? A Yes sir I have been all over the country looking for it; I have been every where I ever lived hunting for it but didn't find it.
Q You were not able to find it? A No sir I didn't find it.
Q Have you made a search of the records of the County in which you procured the license for the record of that license?
A Yes sir I have.
Q What was the result of that investigation? A We found no record of the license anywhere.
Q In what County did you procure that license? A Kiamitia County.
Q That is where you took out the license? A Yes sir.
Q What was the reason you could not find a record of that license? A They never was put on the records; there was no record ever kept of them.
Q What official or officer of the Choctaw Nation issued that license to you? A Solomon Hetama.
Q What position did he occupy at that time? A He was County Judge.
Q Where is he now? A He is in the penitentiary somewhere
Q How long has he been in the penitentiary? A I don't know some five or six years
Q Were you married to your wife Vina Peters under that license?
A Yes sir.
Q Who performed the marriage ceremony for you and Vina Peters?
A Old Parson Johnson.
Q Was he a preacher? A Yes sir.
Q Where were you married? A Right at the forks of the road by John Rushing's field.
Q Did you and your wife live together as husband and wife after you were married? A Yes sir we lived together for four years.
Q Then what became of her? A Well we separated; I don't know what become of her.
Q Have you married again since you separated? A Yes sir.
Q Did you procure a divorce before you married the second time?
A Yes sir.
Q What Court rendered the divorce? A The District Court of the 3rd Judicial District of the Choctaw Nation.
Q Who was Judge at that time? A Judge Ed. Everidge.
Q Choctaw Court was it? A Yes sir Choctaw District Court.
Q How long had you lived in the Choctaw Nation immediately before you married Vina Peters? A About 11 or 12 years.

BY THE COMMISSION.

Q Was Vina Peters your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.

Q You say you were married in the Choctaw Nation? A Yes sir.
Q Under Choctaw tribal license? A Yes sir.
Q Sure about that are you? A Yes sir.
Q You appeared before the Commission in May 1902 didn't you?
A Yes sir I think I did; sometime in 1902.
Q Isn't it a fact that you were married to this woman in Texas? A No sir I wasn't.
Q Isn't it a fact you were married to Vina Peters under United States license issued by the State of Texas? A No sir.
Q What is Vina Peter's name now? A I couldn't tell you. She has married again since I and her was married.
Q Was she your wife in 1893? A Yes sir.

The wife of the applicant, through whome the applicant claims rights as a citizen by intermarriage of the Choctaw Nation is identified as Bina Coon on the 1893 Choctaw Census Roll, Kiamitia County, number 127.

Q Were you sworn and examined when you appeared before this Commission in May 1902 at Muskogee? A Yes sir.
Q Did you not at that time testify in substance as follows: I was married to a citizen by blood of the Choctaw Nation; her name was Vina Peters; I married her in '91 in December; I was married to her in Texas; Paris Bluff under United States license; didn't you testify in substance that way?
A I don't remember any such testimony as that.
Q Did you or did you not testify in substance that way?
A No sir not that I know of.
Q You would know it if you did wouldn't you? A Yes sir I think I would, but I don't remember that.
Q You state now you married her under Choctaw law in the Choctaw nation? A I do, yes sir.

BY MR RILEY.

Q If it appears of record that you married your wife in Texas is that a fact? A No sir it is not a fact..
Q Mr Coon if it appears of record that you married her under United States license; is that a fact? A No sir it is not a fact.
Q Then if the records shows you did testify to that is that correct, or is it a mistake? A It is a mistake.

JOE RUSHING
Being first duly sworn testified as follows:

BY MR RILEY.

Q Give your name and age and place od residence? A Joe Rushing; I am 36 years old.
Q Where do you live? A Two miles north of Ada in the Chickasaw Nation.

Q Are you a citizen of either the Chickasaw or Choctaw Nations?
A Intermarried citizen of the Choctaw Nation.
Q Where did you live in the year 1891 or '92? A In the Choctaw Nation.
Q In what county? A In Jackson County near Garrett's Bluff, Texas.
Q Do you know Mr Alvy D. Coon? A Yes sir.
Q How long have you known Mr Coon? A I have known him ever since about 1889 or '90.
Q Did you know his wife, Vina Peters? A Not until he came to my brother's house I never did see her. I never seen her
Q until they run off to get married and come to my brother's house.
Q It was an elopement was it when he married her? A Yes sir.
Q I will ask you how long they stayed at your brother's house at that time? A To the best of my recollection they stayed there two nights and part of two days; one whole day and part of a day.
Q Do you remember anything about a marriage license he had with him? A Mr Coon had a license the night before he was married the next day, but I don't remember what the license was; I couldn't be positive but I think it was a Choctaw license; he was reading it and we was deviling him about running off to get married.
Q Mr Rushing I will ask you if you saw Mr Coon and his wife after they were married? A Yes sir.
Q Did they stay there at your brother's house? A Yes sir they stayed there the night after they was married.
Q Where did they go then? A They went back to Goodland where they were going to live.
Q Did you ever see them after that? A Yes sir.
Q Were they living together as husband and wife? A Yes sir I stayed all night with them in '93 during the time they lived at Goodland.
Q You were not actually present and saw them married were you?
A No sir.
Q What did he and his wife say about it when they came back to your brother's house the next day? A I couldn't tell you; I don't remember.
Q Did they say anything about being married? A Yes sir they said they was married.
Q Did they say who married them? A They said Parson Johnson married them.
Q Were you acquainted with him? A Yes sir he was a Baptist preacher; he lived on the west end of Crower's Prairie.

BY THE COMMISSION.

Q How far do you live from the line between Texas and the Territory? A About two miles.
Q You didn't see any license at all did you? A I seen a license; they had them around there. Mr Coon was reading it the night before they was married and we were deviling him about it a good deal; it has been so long ago I have almost forget; I think they were Choctaw license.
Q Do you know of your own knowledge that they were Choctaw license? A No sir I see the license but I never read

them; the others were reading them and we were deviling him about them but I didn't read them.
Q Were they signed up? A I couldn't tell you.
Q Was the license written in English or Choctaw? A It was in English I think.
Q Do you know whether it was or not? A No sir I don't know.
Q So far as you know this man might have married this woman in Texas? A My understanding was it was down there between my brother's house and the River.
Q But so far as you know he might have been married in Texas
A Yes sir.
Q So far as you know he may have been married without any license? A No sir I know he had a license.
Q What was in that license? A I couldn't tell positively; my brother read them over and Mr Coon read them over ; I don't know whether I read them over or not; it has been so long ago I have forgotten.
Q Did you hear it read ? A Yes sir. I didn't pay much attention to it and it has slipped my memory.
Q What he read that night you couldn't tell whether it was a license or not? A Yes sir I know it was a license.
Q You could not tell whether it was English or Choctaw?
A No sir, I think it was in English.

BY MR RILEY.

Q Where is your brother now? A He is dead.

ED M. EVERIDGE
Being first duly sworn testified as follows:

BY MR RILEY.

Q State your name, age and residence? A I live six miles east of Grant, in Kiamitia County, Choctaw Nation. I am 59 years old.
Q What is your name? A Ed M. Everidge.
Q Are you a citizen of either the Chickasaw or Choctaw Nations?
A I am a citizen of the Choctaw Nation.
Q By blood? A Yes sir by blood.
Q I will ask you Mr. Everidge, if in the year 1897 you occupied any official position in the Choctaw Nation? A I was Circuit Judge of the Choctaw Nation.
Q What District? A 3rd Judicial District.
Q Are you acquainted with Mr A. D. Coon? A Yes sir.
Q I will ask you Mr Everidge if while you were Judge of the Third Judicial District if A. D. Coon made application in your Court for a divorce? A Yes sir.

BY THE COMMISSION.

Mr Riley what is the object of this kind of testimony?

BY MR RILEY

The object of this testimony is to show that the Choctaw Court would not have taken jurisdiction of Mr Coon if he had not been married to his wife under a Choctaw license.

Q What was the result of that application? A The divorce was granted.
Q Mr Everidge I will ask you what is the practice and rules of the Choctaw Courts with reference to granting divorces to non-citizens of the Choctaw Nation? A The practice is that whenever a white man marries a Choctaw by blood, then under the Choctaw law-- according to Choctaw laws we recognize them as Choctaw citizens.
Q And if a white man had married a Choctaw woman you would entertain jurisdiction? A Yes sir provided he was married under the Choctaw law.
Q What would be the result of an application by a white man for divorce from his Choctaw wife, provided it was made to appear to the Court he was not married under a Choctaw license nor in accordance with the Choctaw laws? A I wouldn't accept a petition for a divorce if that was the case.
Q That is your understanding of the law? A Yes sir.

I wish to offer in evidence the original decree of the judgment of divorce of the Choctaw Circuit Court of the Third Judicial District, signed by P. C. Harris District Clerk and attested by the seal of said Court, for the purpose of showing that the District Court did entertain the application of A.D. Coon for divorce and the same was granted.

BY THE COMMISSION.

Q Do you mean to say, Judge Everidge, that you had no jurisdiction over Alvy Coon's divorce proceedings provided he was not married to his wife under the Choctaw tribal laws?
A We never claimed jurisdiction where they hadn't been married under Choctaw law.
Q Isn't it a fact that Judges in the Choctaw Nation did take jurisdiction in these cases? A I don't know; I didn't claim it; I don't know what other Judges done. That is the way I did; I didn't claim jurisdiction where a man was not married to his Choctaw wife under the Choctaw laws.
Q Have you any statute to that fact, Judge? A I don't know sir;;where a man didn't marry according to the Choctaw laws we regarded him as a citizen of the United States and the United States always handled them. We had no jurisdiction over such cases.

Q In filing a petition for divorce in a Choctaw Court, is it necessary to allege a marriage under the Choctaw law before the Court will take jurisdiction. A No sir it is not necessary. The way this case come up it was proven to the Court he had married according to Choctaw law and by getting a license from the County Judge S. E. Hetama. The record of the license was destroyed but I think the Judge was Prosecuting Attorney at the time the divorce was taken out and he stated that he had issued the license or had them issued by the Clerk; that is the way the Court entertained the petition.

Q Were you in Court at the time of these proceedings? A Yes sir right in Court.

Q Did you hold any official position? A I was Circuit Judge of the Third Judicial District when that divorce was granted: I knew the girl; I knew her from a little baby.

Q As a matter of fact you knew nothing about the marriage license of Mr Coon and Vina Peters? A I couldn't swear nothing about the license.

Q How near do you live to Mr. Coon now? A I don't know how far it is ; he lives away up at Roth and I lived down near Grant.

Q At the time he was living at Goodland how far did you live from him? A Ten miles.

Q Did you know him intimately at that time? A Oh yes I have been knowing him for 15 years.

Q You don't know anything about the facts as to his marriage?

A No sir

Q Do you know T. E. Oakes of Nelson, Indian Territory? A Yes sir.

Q What relation is he to Vina Peters. A He isn't any relation; she was an orphan and he raised her.

Q It has been suggested to the Commission that this man married this Choctaw woman not according to Choctaw law; that he ran away with h er and that they were married in Texas; Do you know anything about that? A No sir it was 25 miles from where I lived; I don't know anything about it. Only this divorce business. About his running away and marrying her I don't know anything about that.

BY MR RILEY.

Q Judge you testified you didn't know anything about the marriage license, but you do know they made that proof to you in your Court? A Yes sir.

Q And Judge Hetama was present as a witness in the case himself wasn't he? A Yes sir he testified the license had been granted to this man.

ALVY COON

Recalled testified as follows:

BY THE COMMISSION

Q Did you testify in 1908 that you drew money in 1907? A I drew money for my wife and children; there was an intermarried

people drawing money at that time.
Q You have never been recognized as a Choctaw by blood have you? A In my childhood I was until this Leased District Payment come up; I was protested by somebody.
Q When did your father die? A It was in 1890 I think.
Q When did you mother die? A She died when I was seven years old.
Q Have you any relatives on the roll as citizens by blood besides your children? A I will tell you all I know about it; I have been told by Joe Bryant; he claims my mother was a half sister of his; I know nothing about it only what he told me.
Q Since your marriage to Vina Peters about the year 1891 where have you resided? A I have resided there around Goodland until '98 or '99 I moved to the Choctaw Nation.
Q Have you lived anywhere else than in the Choctaw and Chickasaw Nations since your marriage to Vina Peters? A No sir.
Q You have always resided in the Territory since your marriage to Vina Peters? A Ever since I was nine years old I havn't been out of the Choctaw and Chickasaw nations a half dozen times.

BY MR RILEY.

Q I will ask you if you can explain any reason why they got your testimony to state that you were married in Texas in your former examination here in 1902? A I don't know; I told them as near as I remember that I was married near Garrett's Bluff.
Q Garrett's Bluff is in Texas is it? A Yes sir.
Q You didn't marry your wife near Paris Bluff in Texas did you? A No sir I said I was married near Garrett's Bluff/
Q Do you know where Paris Bluff, Texas is? A There is no Paris Bluff in Texas.
Q So you did say, if they did ask you that question, that you were married close to Garrett's Bluff but it was this side of the hill? A Yes sir it was on this side of Red River.

BY THE COMMISSION.

Q In 1902 you applied as a citizen by blood didn't you?
A I told them I was a citizen by blood, yes sir.
Q When did you first think of applying as a citizen by intermarriage? A When did I first think about it.
A Yes, you applied in May 1902 as a citizen by blood; when did you change your mind so that now you apply as a citizen by intermarriage? A They always had me down as an intermarried citizen.
Q But in 1902 you applied as a citizen by blood? A I didn't intend to make application as a citizen by blood any more than this Joe Bryant claimed he was a half uncle of mine; he is the cause of getting me to apply as an Indian by blood; He says you are all on as an Indian by blood what you really are. I told him it didn't make any difference to me; he says I know you can get on that way; said he could produce any testimony necessary, but he died shortly after that and of course I was an intermarried citizen too.

[illegible] 9.

JUDGE EVERIDGE Recalled testified as follows:

BY THE COMMISSION

Q You never knew of the applicant, Alvy Goon claiming rights as an Indian by blood did you? A Ony circumstances; it was always said at the time they were small that they were Indians, but of course I don't know anything about it.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 13th day of June 1904.

Charles W. Lamy
Notary Public.

Department of the Interior.
RECEIVED.
JAN 29 1896
Enr. No. 1183
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.

Before the Commissioner to the Five Civilized Tribes.

In re, application of Alvy Coon for enrollment as a citizen by intermarriage of the Choctaw Nation.

[redacted] .

MOTION.

Comes now the petitioner Alvy Coon, through his attorney Charles von Weise and moves the Commissioner to the Five Civilized Tribes to render a decision enrolling him as a citizen by intermarriage of the Choctaw Nation for the following reasons:

I

That applicant first made an application for enrollment on May 23rd, 1902

II

That applicant filed supplemental testimony on December 12, 1904 tending to show that he was married to a recognized and enrolled Choctaw Indian in accordance with Choctaw law.

III

That sufficient time has lapsed since the making of his original application four years ago, and the giving of his supplemental evidence a year and one month ago to enable the Commission to the Five Civilized Tribes and its successor the Commissioner to the Five Civilized Tribes to have rendered a decision in his case.

IV

That further delay is unnecessary and is working an injustice to the applicant in depriving him of the right to file upon the choice lands of the Chickasaw and Choctaw Nations which are fast being allotted, and soon will all be allotted to the irreparable injury of applicant.

V

That applicant has shown that he was married to Vina Peters a recognized and enrolled Choctaw by blood, and that said marriage was in accordance with Choctaw law and prior to September 24, 1902,

VI

That applicant applied for enrollment prior to December 24th 1902.

VII

That in addition to the evidence submitted by him as to his marriage under a tribal license, there is the additional record evidence of his said marriage in accordance with Choctaw law in the fact that his name is found on the 1896 Choctaw Census roll as an INTERMARRIED citizen at page 384 thereof opposite number 14411.

VIII

That regardless of whether he was married in accordance with Choctaw law the fact that his name is found of the tribal roll gives him a right

be enrollment under and by virtue of the Act of June 10,1898 as defined by the Act of June 7,1897, and the Commissioner is without authority to do aught else than place his name upon the roll as a citizen by intermarriage of the Choctaw Nation.

Respectfully submitted,

Charles Rowell

Of counsel for petitioner.

AFFIDAVIT.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

Personally appeared before me the undersigned, a notary public in and for the Southern District of Indian Territory, Viney Coon, who being first duly sworn makes answer to the following interrogatories as follows:-

Q What is your name, age and post office address?

Viney Coon - Age 38 - Soper I.T.

Q Were you at one time the wife of Alvy Coon and if so state the date of said marriage?

Yes - Married in Dec 1891

Q If you were married to him state where said marriage took place?

Garretts Bludd Tex

Q Were you married under a Choctaw tribal license or under a license issued by the state of Texas?

Under license issued by State of Texas.

her
Viney X Coone
mark

Witness to mark
A. F. Allen
Valliant I.T.
Davis James Hugo I.T.

Subscribed and sworn to before me this 8 day of Dec 1905.

(Signed) W. E. Larecy
Notary Public.

(SEAL)

Endorsed:
Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Dec 11 1905.
Tams Bixby, Commissioner.

COPY

THE CHOCTAW NATION.

In the Circuit Court of the Third Judicial District, Regular Aug Term, 1897 a Petition of A. D. Coon being presented by his Attorney in said Court for a

BILL OF DIVORCE

setting forth the facts, etc., and after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to the applicant A. D. Coon.

THEREFORE, I do issue a Bill of Divorce to said applicant, A. D. Coon forever releasing him from the bonds of Matrimony heretofore existing between Vina Coon and A. D. Coon.

Given under my hand and seal of office, this the 23 day of Aug 1897.

(SEAL)

P. C. Harris
District Clerk.

ENDORSED ON BACK:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D

DEC 12 1904

TAMS BIXBY, Chairman.

(Copy)

Before the COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alvy Coon as a citizen of the Choctaw Nation, Choctaw Field No. D-728.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

(signed) MARSFIELD, McMURRAY & CORNISH,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

(Endorsements)

Choctaw D-728. In the matter of the enrollment of Alvy Coon as a citizen of the Choctaw Nation.

PROTEST of Choctaw and Chickasaw Attorneys.

Department of the Interior, Commission to the Five Civilized Tribes.
FILED FEB 6, 1904.
Tams Bixby, Chairman.

C O P Y.

January 13, 1906.

Five Tribes Commissioner,
Muscogee, I. T.

Dear Sir:-

Enclosed please find motion in the matter of the application of Alvy Coon for enrollment as a Choctaw by intermarriage. This motion is filed for the purpose of attempting to obtain some action on your part in the matter of his application. This application has been pending more than four years and Mr. Coon is anxious to have a decision one way or the other, for if he is to be enrolled he desires to have his enrollment approved in time for him to select at least a fairly good tract of land, and as most of the good land in the Choctaw and Chickasaw Nations has already been allotted, a "fairly good tract" is all that he will be able to obtain even though his enrollment were approved at once.

From the fact that his name appears upon the 1896 Choctaw Census roll as an intermarried citizen, there should no longer be any need of delay in determining his status as such intermarried citizen, and I trust that you will give the matter you prompt attention and cause a decision to be rendered in his case, otherwise the matter will, in justice to the applicant, have to be taken up directly with the Secretary of the Interior, which it is not our desire to do.

Thanking you for an early reply I beg to remain,

Yours truly,

Reg
Enc 1
F.H.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Feb. 9, 1906.

Tams Bixby,
Commissioner.

No. 455

STATE OF TEXAS.

MARRIAGE LICENSE. COUNTY OF LAMAR.

- -

To any Regularly Licensed or Ordained Minsiter of the Gospel, Jewish Rabbi, Judge of the District or County Court, or any Justice of the Peace in and for Lamar County Greeting:

You are hereby Authorized to Solemnize the

RITES OF MATRIMONY

Between Mr. A. D. Coon and

Miss Viney Peters,

and make due return to the Clerk of the County Court of said County within Sixty days there after certifying your action under this License.

S E A L

WITNESS my official signature and seal of office at office in Paris, Texas the 27th day of November, 1891.

By Austin Pollard, Deputy. W. B. Kavanaugh, Clerk of County Court.

- -

I hereby certify that on the 30th day of November 1891 I united in marriage A. D. Coon and Viney Peters and B. F. Williams and W. T. McCaslin the parties above named

WITNESS my hand this 30th day of Nov. 1891.

L. Johnson,
Minister of the Gospel.

Returned and filed for record the 2 day of Dec. 1891 and recorded the 2 day of Dec. 1891.

By _____ Deputy. W.B.Kavanaugh, County Clerk.

State of Texas }
Lamar County }

I, L. W. Ross, Clerk, County Court Lamar County Texas, hereby certify that the within is a true and correct copy of Marriage License of A. B. Cook and Miss Viney Carters together with the return thereon, as the same appears of record in this office in Book 12 page 207, Lamar County Marriage Records.

Witness my hand and seal of office this [illegible] day A.D. [illegible]

S E A L

L. W. Ross Co. Clerk, Lamar Co. Texas,

by [illegible]
Deputy.

Department of the Interior,
Commissioner of the Five
Civilized Tribes.

Filed May 9, 1906.

Tams Bixby,
Commissioner.

7-D-728.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alvy Coon as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on May 23, 1902, Alvy Coon appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Choctaw Nation.

Inasmuch as the testimony taken on said date shows that the applicant was, in 1891, married to a recognized and enrolled citizen by blood of the Choctaw Nation, his right as a citizen by intermarriage of the Choctaw Nation will also be determined. On December 12, 1904, additional proceedings were had relative to the enrollment of said applicant as a citizen by intermarriage of said Nation.

It further appears from the record herein that said applicant was born in 1870, and is a son of Mary Coon, an alleged Choctaw by blood, who died in about the year 1877, and Ennis Coon, a non-citizen white man.

It further appears from the evidence submitted in support of said application and from the records of this office that said applicant has never been enrolled by the Choctaw tribal authorities as a citizen by blood of the Choctaw Nation, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It further appears from the record herein that in 1891, the applicant was married to Viney Peters, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name as Viney Coone, appears as No. 4001 upon the list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife for a period of four years, when they separated and were subsequently divorced; that thereafter, on June 6, 1901, the applicant was married under the United States law to Rhoda Hodges, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name as Rhoda Coon appears as No. 12129 upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior March 6, 1903; and that said applicant has resided continuously in the Choctaw-Chickasaw country from the date of his marriage to Viney Peters, up to and including September 25, 1902.

Upon the appearance of the applicant on May 23, 1902, he testified that in December, 1891, he was married to Viney Coone, his first Choctaw wife, at Garrets Bluff, Texas, under a license issued by the state of Texas, but upon his appearance on December 12, 1904, he insisted that he was married in Jackson County, Choctaw Nation,

near the Texas line, under a license issued by the County Judge of Kiamitia County, Choctaw Nation, and denied having theretofore testified that he was married under the laws of the state of Texas. He further testified that said license had been lost, and that, although diligent search had been made for it, he had been unable to find it.

Although no proof of the destruction of the records of Kiamitia County, Choctaw Nation, has been presented, the applicant has attempted by secondary evidence to establish his marriage to the said Viney Coone under a Choctaw license, and for this purpose presented Joe Rushing and Ed M. Everidge as witnesses in his behalf.

Joe Rushing testified that in 1891 or 1892 he resided in Jackson County, Choctaw Nation, near Garrets Bluff, Texas and remembers the applicant and his wife, Viney Coone, coming to the home of his brother in that vicinity on the day before their marriage; that during the evening he heard the applicant read over the license which he thought was one issued by the tribal authorities of the Choctaw Nation, though he never read the contents thereof himself.

Ed M. Everidge testified that in 1897 he was Circuit Judge of the 3rd Judicial District, Choctaw Nation, and that while occupying said position, the applicant instituted before him a suit for divorce against Viney Coone, which was granted. He further testified that the practice in such cases before him was that in case the intermarried citizen was not married under the Choctaw law he would not entertain jurisdiction, though said fact need not have been set forth in the petition. In this case, however, he stated that the judge who issued the license, acted as Attorney for the applicant and informed the court that a license had been issued.

On December 11, 1905, there was filed with this office the affidavit of Viney Coone, through whom the applicant claims his intermarried right, wherein she stated that she was married to the applicant, Alva Coone, in December, 1891, at Garrets Bluff, Texas, under a license issued by the authorities of the state of Texas.

On January 16, 1906, there was filed with this office a motion requesting that a decision enrolling the applicant be rendered, and among the reasons set forth therefor, the applicant's attorney alleges that the applicant was married in accordance with the Choctaw law.

On February 9, 1906, there was filed with the record in this case a certified copy of the marriage license showing conclusively that the applicant was married to Viney Coone, nee Peters, under a license issued by the state of Texas, and not by virtue of a license issued by the tribal authorities of the Choctaw Nation; said license and certificate having been procured from the County Clerk of Lamar County, Texas upon the request of this office; that an examination of the records of Lamar County, Texas be made for the purpose of ascertaining whether or not the applicant was ever married to Viney Coone, nee Peters, under the laws of the state of Texas.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicant is identified upon the 1896 Choctaw Census Roll, Kiamitia County, as No. 14411, enrolled thereon as a citizen by intermarriage of said Nation.

I am therefore of the opinion that the application made for the enrollment of Alva Sean as a citizen by blood of the Choctaw Nation, and also as a citizen by intermarriage of said Nation, should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 19 1906

7-D-728

Muskogee, Indian Territory, February 19, 1906.

COPY.

Alva Coon,

Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, denying your application for enrollment as a citizen by blood, and also for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-728.

7-D-728

Muskogee, Indian Territory, February 19, 1906.

COPY.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1906, denying the application for the enrollment of Alva Coon as a citizen by blood, and also as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Incl. 7-D-728.

Registered.

7-D-728

Muskogee, Indian Territory, February 19, 1906.

COPY.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1906, denying the application for the enrollment of Alva Coon as a citizen by blood of the Choctaw Nation, and also as a citizen by intermarriage of said nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-728.

7-D-728

Muskogee, Indian Territory, February 19, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 19, 1906, denying the application for the enrollment of Alva Coon as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Incl. 7-D-728.

COPY.

Muskogee, Indian Territory, February 19, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Alva Coon as a citizen by blood, and also as a citizen by intermarriage, of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, denying said application.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

2 Incl. 7-D-728.

Through the
Commissioner of Indian Affairs.

KHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. ILB

D.C. 2918-1907.
I.T.D. 446-1907.

January 12,1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1906, the Acting Commissioner transmitted the record in the matter of the applicati on for the enrollment of Alva Coon as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting January 8, 1907(Land 17394-1906), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

922/71 COPY

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

LAND: OFFICE OF INDIAN AFFAIRS,
17394-1906

WASHINGTON.

January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 19, 1906, transmitting the record relative to the application of Alvy Coon, for enrollment as a citizen of the Choctaw Nation.

On May 23, 1902, Alvy Coon applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by blood.

On February 19, 1906, the Commissioner held that the applicant was not entitled to such enrollment. The applicant having also claimed the right to be enrolled as a citizen by intermarriage, his right to such enrollment was considered by the Commissioner and denied.

The evidence shows that the applicant was born in 1870 and was the son of Mary Coon, an alleged citizen by blood of the Choctaw Nation, and Ennis Coon, a non-citizen.

The Commissioner reports that the applicant is not enrolled as a citizen by blood of the Choctaw Nation and that he has not been admitted as a citizen by blood by the Choctaw courts, or the Commission or the United States Court.

The evidence also shows that the applicant was married in 1891, to Viney Peters, identified as Viney Coone, at No.4001, on a partial list of citizens by blood of the Choctaw Nation approved by the Department on December 12, 1902, under a license issued by the State of Texas.

It is further shown that on June 6, 1901, the applicant was married to Rhoda Hodges, identified as Rhoda Coon, at No. 12129 on the final roll of citizens by blood of the Choctaw Nation approved by the Department on March 6, 1903, in accordance with the laws of the United States.

The applicant is identified as a citizen by intermarriage on the 1896 Choctaw Census Roll, Kiamitia County, at No.14411.

As the applicant is not enrolled as a citizen by blood of the Choctaw Nation and did not marry his Choctaw wives in accordance with the tribal laws of that Nation, the decision of the Commissioner adverse to him is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

7-D-728

Muskogee, Indian Territory. January 23, 1907.

Alva Coon,

Roff, Indian Territory.

Dear Sir:

You are hereby notified that on January 12, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Alva Coon as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-B-732

Muskogee, Indian Territory, January 23, 1907.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on January 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Alva Coon as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-T- 726

Muskogee, Indian Territory. January 2[illegible], 1907.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on January 12, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enroll ment of Alva Coon as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-B- 728

Muskogee, Indian Territory. January 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 12, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Alva Coon as a citizen by blood and also as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

C O P Y.

Atoka, I.T. Oct. 2, 1902.

Hon. Tams Bixby,

Actg. Chm'n, Dawes Com..

~~Dear Sir:~~

When you were here I agreed to write you relative to the case of Al. Coon whose name appears on the '96 roll as an intermarried citizen of the Choctaw Nation. He had me to look after his case as he claimed citizenship by blood and not by intermarriage. On his representations some years since I was under the impression that there was a mistake in his case, and that he should have been enrolled as a Choctaw by blood. On investigation, however, I find that he tried to work me and that he is a white man, or at least a U.S. citizen and not entitled to enrollment at all. He married a Choctaw woman, but not according to Choctaw law. He married her in Tex. having run away with her. I get these facts from various sources and he can not deny them successfully. T.E. Oakes of Nelson, I.T. raised the girl Viney Peters that Coon married and knows all about the man.

There is another matter I wish to write you about, and that is this. Does your record show that Jim Wafford, Albert

Wafford and Henry Wafford were listed for enrollment as Choctaw Freedmen here at Atoka in 1899? If so, they are wrongfully enrolled as I have lately found out that their father was never a Choctaw Freedman as was claimed, and their mother Cherry Ann Thomas is also a U.S. citizen. It appears that the father of these children's name was Jack Pratt, a Texas negro, but it was claimed at enrollment that his real name was John Wafford and Mary Ward so stated the claim. It now turns out that she was mistaken, so if they are enrolled they should be taken off. Reub. Neal of Stringtown, I. Ter., a witness to these facts.

I know of a great many other cases but could not name them at present. The Choctaw Cit. Com. should really take these cases up as they are paid to look after them but none seem to interest themselves in it.

Please write me soon in re Wafford children as I need the proof of their citizenship in a land suit.

Yours very truly,

(Signed) A. T E L L E.

Chickasaw [illegible]
Chickasaw 1876
Choctaw D 726

Muskogee, Indian Territory, October 9, 1902.

J. F. McKeel,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 30, 1902, in which you desire to be advised as to the status of the applications of W. R. Cox, A. D. Cox and J. B. Brown, alias Tus-ka-tomby, and desire an official certificate of their non-citizenship if such be the case.

In reply to your letter you are advised that it appears from our records that William R. Cox, 60 years of age, of Ardmore, Indian Territory, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, claiming his right to such enrollment by reason of his marriage on March 30, 1888 to Susan Wilbur, a Chickasaw by blood. It further appears that he was divorced from his Chickasaw wife in 1891 and subsequently married Alice Buell, a non-citizen white woman.

The Commission has not up to this time rendered a decision in the matter of the application of William R. Cox for enrollment as a citizen by intermarriage of the Chickasaw Nation,

J P McK 2

It also appears from our records that on May 23, 1902, Alvy Coon, 32 years of age, of Reff, Indian Territory, made application to this Commission for enrollment as a citizen of the Choctaw Nation. He claims the right to be enrolled as a citizen by blood of the Choctaw Nation, but appears upon the 1896 census roll of the citizens of the Choctaw Nation as an intermarried citizen. No decision has up to this time been rendered by the Commission in the matter of such application.

It also appears that on June 7, 1900, James Tuskatombby, 26 years of age, of Simpson, Indian Territory, made application to this Commission for enrollment as a citizen by blood of the Chickasaw Nation. The attorneys for the Choctaw and Chickasaw Nation have entered an objection to the final enrollment of this applicant as a citizen of the Chickasaw Nation, claiming that his mother was a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

Choctaw Freedmen
1030
Choctaw D 725

Muskogee, Indian Territory, October 14,1902.

A. Tolle,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 8 relative to the cases of Al Coonand the Wafford children. You state therein that Al Coon is not entitled to enrollment as a citizen of the Choctaw Nation either by blood or intermarriage, and you are advised that the statements contained in your letter have been made a matter of record with the Commission.

In regard to the enrollment of Jim, Albert and Henry Wafford as Choctaw Freedmen, you are advised that your statements have also been made a part of the record in this case. It appears from our records that Jimmie Walford, eleven years old, Henry Walford, ten years old and Albert Walford, eight years old, children of John Walford and Annie Walford, were on August 29, 1899, listed for enrollment as Choctaw Freedmen. It further appears that their mother was a noncitizen and that their father, John Walford, who was dead at the time of their application, belonged to Wade Hampton.

Respectfully,

Commissioner in Charge.

Choctaw D 728

Muskogee, Indian Territory, February 10, 1904.

Alvy Coon,

Roff, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-728.

Muskogee, Indian Territory, August 17, 1904.

Alvy Coom,

Roff, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

You are also informed that it will be necessary for you to furnish proof of your marriage to the Indian spouse through whom you claim your right to enrollment as a citizen by intermarriage.

Respectfully,

Commissioner in Charge.

Choctaw D7[illegible]
Choctaw 1436
Choctaw 4335

Muskogee, Indian Territory, January 9, 1903.

A. D. Coon,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 22, 1902, stating that you were unable on account of ill health and the weather to appear before the Commission at one of its appointments in the Choctaw Nation and stating that you have recently married Rhoda Hodges, and asking to have her name changed onthe rolls. You also give the names of the members of your family.

In reply to your letter you are advised that the name of your wife Rhoda Hodges has been changed upon our records to her present married name. You are further advised that it appears from our records that your minor children Charlie and Willie May Coon and David Coon by your former wife, Viney Coon, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and their enrollment was approved by the Secretary of the Interior, December 12, 1902.

Respectfully,

Choctaw 6448
" 5319
" 4126
" D- 728

Muskogee, Indian Territory, August 17, 1903.

B. C. Harbert,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, asking the status of the enrollment of A. D. Coon and his wife, Rhoda Coon, Anna Krebs, Maggie Glance and J. A. Husbands and wife, _____Husbands.

In reply to your letter you are informed that it appears from our records that Anna Krebs was admitted as an intermarried citizen of the Choctaw Nation by a judgment of the United States court for the southern district of Indian Territory rendered August 24, 1897, in court case (citizenship docket) number 60.

It further appears from our records that J. A. Husbands is the non-citizen husband of Frances E. Husbands who was admitted to citizenship in the Choctaw Nation by a judgment of the United States court in Indian Territory. Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making any allotment of lands in the Choctaw and Chickasaw Nations to persons whose citizenship in said nations is dependent upon judgments of the United States court in Indian Territory,

D C M 2

until their right to such citizenship is finally determined.

It further appears from our records that Alvy Coon, husband of Rhoda Coon, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and his final right to such enrollment has not yet been determined.

It also appears that Rhoda Coon has been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and on March 6, 1903 her enrollment was approved by the Secretary of the Interior.

You are further advised that it appears from our records that Maggie Lee Glance was an applicant to this Commission for identification as a Mississippi Choctaw, and on February 7, 1903, the Commission rendered its decision refusing her application for the identification of herself and her minor children as Mississippi Choctaws, and on May 15, 1903, the Secretary of the Interior approved said decision of the Commission, of which departmental action Maggie Lee Glance was notified on July 2, 1903.

Respectfully,

Commissioner in Charge.

T-D-788

Muskogee, Indian Territory, September 29, 1904.

A. D. Coon,

Roff, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 24th instant, stating that it was impossible for you to appear before the Commission at Atoka, Indian Territory or Tishomingo, Indian Territory, and you request to be advised where you will now be permitted to appear before the Commission.

You are advised that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to your intermarried status of September 25, 1902. It is important that such appearance be made with as little delay as possible.

Respectfully,

Chairman.

7-D-728

Muskogee, Indian Territory, November 26, 1904.

Alva D. Coon,

Hoff, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 22, 1904, requesting that on account of serious illness in your family you be allowed additional time to interduce evidence in support of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that in compliance with your request you will be allowed twenty days from this date within which to introduce such additional testimony as you may be able to submit in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, also to appear and testify relative to your intermarried status on September 25, 1902.

Respectfully,

Commissioner in Charge.

YD-728.

Muskogee, Indian Territory, November 9, 1905.

Alvy Coon,

Roff, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to furnish this office with either the original or a certified copy of your marriage license and certificate showing your marriage to Viney Coon.

This matter should receive your immediate attention. An envelope for reply is enclosed.

Respectfully,

Env.

Commissioner.

7-D-728

Muskogee, Indian Territory, December 12, 1905.

Alvy Coon,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Viney Coone which is offered in support of your application for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Acting Commissioner.

7D-728

Muskogee, Indian Territory, November 9, 1905.

Viney Coon,

Goodland, Indian Territory.

Dear Madam:

On May 23, 1902, Alvy Coon appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage to you in 1891.

Relative thereto this office desires to be informed whether or not said Alvy Coon was married to you under a Choctaw tribal license and the place of said marriage. For this purpose there is enclosed you herewith blank affidavit which you are requested to take before some notary public and answer under oath the questions therein propounded, returning the same at the earliest possible date in the enclosed envelope.

Respectfully,

Commissioner.

Env.
AG-A

7-D-728

Muskogee, Indian Territory, January 9, 1906.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of December 23 and January 5, 1906, in which you state that you have been employed as co-counsel with Chilton Riley in the matter of the application of Alvy Coon for enrollment as an intermarried citizen of the Choctaw Nation and you ask that you be entered as attorney of record and furnished the present status of this case.

In reply to your letter you are advised that your name has been entered as attorney of record in the matter of the application for the enrollment of Alvy Coon as an intermarried citizen of the Choctaw Nation.

You are further advised that this application is receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-D-728

Muskogee, Indian Territory, January 19, 1906.

Charles von Weise,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 13, 1906, with which you inclose motion praying for a decision in the matter of the application of Alvy Geen for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

In reply to your letter you are advised that the application of Alvy Geen for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

8 720

Nellie E Lowman

Record transferred to
Choctaw card #1027

D 730

Frank Dowland.

Record transferred to
Chactaw card #5706

Choctaw D-731

George R. Perse

JAN 7 1905

GRANTED. JAN 1905

COPY OF DECISION FORWARDED
APPLICANT 1905

COPY
ATTORNEY AND
CHICKASAW

NOTIFICATION
FORWARDED ATTORNEY
FOR APPLICANTS.

See Petition #C-55.
George P. Perry transferred to
Choctaw #5900 Jan. 23, 1905

DECISION RENDERED. MAR 10 1906

RE

COPY OF DECISION FORWARDED
ATTORNEY AND
CHICKASAW NATION MAR 1 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

COPY OF DECISION FORWARDED
APPLICANT MAR 1 1906
RECORD FORWARDED DEPARTMENT.
1906

(over)

DECISION PENDING

JUN 21 1906

REFUSED

JUN 21 1906

COPY
ATTORNEY FORWARDED
CHOCTAW AND
CHICKASAW NATIONS.

JUN 21 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

JUN 21 1906

COPY OF DECISION FORWARDED
APPLICANT.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR. NOV 21 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC 18 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

ACTION APPROVED BY
SECRETARY OF INTERIOR. FEB 27 1907

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES INTERESTED. MAR 18 1907

(C O P Y)

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, May 28, 1902

In the matter of the application for enrollment as a citizens of the Choctaw Nation of George R. Perse, his wife, Delila E. Perse/ and his minor children, Nettie Perse and Velma Perse.

----0----

George R. Perse being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A. George R. Perse.
Q P-e-r-s-e? A. P-e-r-s-e;
Q How old are you? A. Fifty-five.
Q What's your post office address? A. Poteau.
Q What nation is that in? A. Choctaw.
Q How long have you lived in the Choctaw Nation? A. Well, somewhere about twenty-six or seven years.
Q Have you maintained a continuous residence in the Choctaw Nation for that length of time? A. With the exception of about three years I come over on this side and stayed about three years on this side of the river.
Q You have lived in the Choctaw Nation for the past twenty years? A. Yes sir.
Q Have you been outside of the Indian Territory in the past five years for the purpose of making your home? A. No sir; never have in twenty-seven years.
Q What is your father's name? A. My father's name was William Riley Perse.
Q Is your father living? A. No sir.
Q What is your mother's name? A. Her name was Rhoda Ann
Q Is your mother living? A. No sir; she's dead.
Q Were your mother and father white persons? A. Yes sir.
Q Did either of them ever make any claim to citizenship in any tribe of Indians? A. Not that I know of.
Q You are a white person are you? A. Supposed to be, yes sir.
Q Have you ever made any claim to citizenship in any tribes of Indians? A. No sir.
Q Have you ever been recognized or enrolled in any manner as a member of any tribe of Indians-- as a citizen by blood ? A. Not that I know of.
Q You are making application now for enrollment as a citizen by intermarriage of the Choctaw Nation? A. Yes,sir.
Q Do you make application for anyone besides yourself? A. My wife and twochildren
Q Are your children under age? A. Yes,sir.
Q What do you claim your wife to be? A. Well she is supposed to be Cherokee.
Q What is your wife's name? A. Delila E.
Q How do you spell that? A. Well I don't know as I could spell it for you; D-e-l-i-l-a I guess.
Q D-e-lei-la E. Perse? A. Yes sir.
Q How old is your wife? A. She's forty-four I believe.

Q Is she a white woman? A. Well I cant saw as to that ; her mother, by the looks of her, looked to be half breed Indian but she had never established any rights.
Q In what tribe of Indians does your wife claim to have citizenship? A. Cherokee.
Q What is your wife's father's name? A. Her father's name is Loggans.
Q His full given name? A. Well sir, I dont know that I could give you that. I've heard her call it too but I dont know that I can give you his name; she has an uncle by the name of Sam Loggains that she writes to sometimes, but her fater--I've heard her tell it but it's been a good many years ago and I disremember her father's name.
Q How do you spell that Loggains? A. L-o-g-g-a-i-n-s.
Q Is he living? A. No sir; he's dead; died when she was small.
Q What is your wife's mother's name? A . Her name was Elizabeth Jane Loggains.
Q Is your wife's mother living? A. No sir; she's dead.
Q What are the names of your childsen? A. Nettie Perse.
Q How old is she ? A. She was fourteen the 27th of this month.
Q The next one? A. She's four years old.
Q What's her name? A. Velma.
Q Is that all the children you have? A. Yes sir.
Q You are the father of both these children? A. Yes,sir.
Q Delila E. Perse is the mother of both of them? A. Yes,sir.
Q Have you, your wife or your two minor children ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? ? A. Well, I suppose we was but--
Q Were you, your wife, or two minor children ever enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A. Well I was going to tell you--Mr. Ward was one of the Commissioner's-- I cant say.

The tribal rolls of the Choctaw Nation in the possession of the Commission to the Five Civilized Tribes have been examined and the names of none of the applicants appear thereon.

Q Have you, your wife or your two minor children ever been admitted to citizenship in the Choctaw Nation by anya act of their national council or any of their citizenship committees as citizens of the Choctaw Nation?
A. I dont know as I understand how to answer the question.
Q Did you obtain from the Choctaw Council any act of admission?
A. No papers-no sir.

It does not appear from an examination of the Choctaw records in the possession of the Commission that any persons by the names of these applicants were ever admitted to citizenship in the Choctaw Nation.

Q Were you, your wife, or your two minor children admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896? A. Not that I know of.

The records of persons admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896 have been examined and the names of none of these applicants appear thereon.

Q Have you, your wife or your two minor children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896? A. Not that I know of.

The records of persons admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896 have been examined and the names of none of the applicants herein appear thereon.

Q You claim your right to enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of the Choctaw woman through whom you claim this right? A. Permelia Morrison, was her name when I married her-her maiden name was Fulsom.
Q Was she a recognized and enrolled citizen by blood of the Choctaw nation? A. Yes sir.
Q Have you any evidence of that fact? A. Yes, sir.
Q What? A. Well I suppose I could get the evidence of seventy-five or a hundred witnesses to that effect if necessary; her own sister was old John Page's wife and he helped make the treaty in '66.

Fifteen days from the date hereof is granted the applicant in which to submit evidence of the tribal recognition of the Choctaw woman through whom he claims a right to enrollment as a citizen of the Choctaw Nation.

Q When did you marry Permelia Morrison?
Q A. In the fall I suppose- about-- as near as I can recollect- about the middle of November- about '74.
Q Were you ever married before you married her? A. Yes, sir I was married.
Q Was she ever married before she married you? A. Yes sir she was married to a man named Morrison.
Q Was her former husband and your former wife dead at the time you married? A. Mine was; I dont know--- well I know this much too; I know that he was supposed to be dead and Tom Walls a Choctaw citizen said he killed him- shot him- filled him full of buck-shot.
Q Was there any legal obstruction to your marriage when you were married to Permelia Morrison in 1874? A No sir.
Q Where were you married? A. Between Cedar Prairie and a place called Backbone Mountain.
Q Did you obtain a license from the Choctaw authorities to marry this woman? A. As near as I recollect now I got a Choctaw preacher- Martin James to marry us.
Q You didn't obtain a license? A. As near as I recollect now I got some parties to help me but I forget now how much w I was out or anything about it but Martin James was the one who married us and give us the certificate.
Q Now you would have a distinct recollection if you obtained a license from the Choctaw tribal authorities for the reason that they require a certain fee for a license to marry a female citizen of the Choctaw Nation; did you pay them any license fee

A Well I paid something near some twenty odd dollars to a man; I had just come into the country then and I paid a man to help me get married.
Q Have you got any evidence of your marriage to Permelia Morrison? A. Yes,sir.
Q Where is it? A. Well her relations; her sister and her nephews and them.

Fifteen days time from the date hereof is granted this applicant in which to introduce evidence of his marriage to Permelia Morrison the Choctaw woman through whom he claims his right to enrollment as a citizen by in ermarriage of the Choctaw Nation.

Q How long did you live with this woman after you married her? A. I suppose something near-- I can tell you in a minute- about eight months.
Q Did you live with her until her death? A. No sir.
Q What did she do? A. She married another man before she died.
Q Were you separated from her? A. Well, you might say we was separated too- what caused it-- we never had no trouble-- I got into some trouble about a man owed me some money in the states , and him and me had a little fight and I hurt him pretty bad and skipped out, and I written several letters and never get no answer and when I come back she had married a man named Drake; then some few years after that, I married again.
Q Was you divorced from her? A. Well, I dont know that I was only just her marrying again.
Q Then you deserted her? A. No sir.
Q You went away and left her didn't you? A. No, I went away on business and got into trouble and had to skip out and when I come back she was married to another man.
Q Did you provide for her while you was gone? A. No sir.
Q How long were you separated from her before she was married to this other man? A. Well, I suppose she married in about about seven or eight months.
Q Did you provide for her during those seven or eight months? A. No sir.
Q Did she know where you was? A I dont know whether she did or not; I wrote several letters and couldn't get no answer.
Q Did you tell her you was going away? A I told her I was going to get the money but I got into trouble and couldn't get no answer to my letters; as quick as I could I come back.
Q Is Permelia Morrison dead? A. Yes sir.
Q When did she die? A. Well, I disremember but she's been de d I guess about fourteen or fifteen years, maybe a little longer; been dead a good while.
Q You say that when you come back and found she was married to another man you married another woman? A. After three years; somewhere along there.
Q Who did you marry? A. The woman I got now.
Q Delila E. Perse? A. Yes sir.
Q Have you lived with her since that time? A. Yes sir.
Q You are making application for the enrollment of your wife at this time? A Yes,sir.
Q What do you claim her to be? A. Well, she never had no establishd rights she claims to be a Cherokee by blood.
Q You are making application as an intermarried Choctaw are you? A. To me, yes sir.
Q When was you married to Delila E. Perse? A. Well, as near as I recollect it was somewhere about- I went be certain.

between eight-five and eighty-seven somewhere; I have the certificate ; saw it the other day; the other certificate's been destroyed.

Q You are also making application for the enrollment of your two children, Nettie and Velma Perse? A. Yes,sir

Q They are not possessed of Choctaw blood are they? A. Not that I know of.

Q What Indian blood they have is Cherokee through their mother? A. Yes, sir as far as I know.

Q Have you your marriage license and certificate to Delila E. Perse? A. I have the certificate; didn't have any license then.

Fifteen days time is granted the applicant herein in which to introduce evidence of his marriage to Delila E. Perse.

Q Your wife has, prior to this time, made application in person to the Commission for the enrollment of herself and two children as citizens of the Cherokee Nation has she not? A Yes sir

Q That application has been refused by the Commission? A. I think so.

Q And the action of the Commission approved by the secretary of the Interior? A. Not that I know of.

The Delila E. Perse and her children Nettie Perse and Velma Perse for whom application is made herein are the identical applicants, who, on February 17, 1902, applied to the Commission for enrollment as citizens by blood of the Cherokee Nation. On April 9, 1902, the Commission refused the application of these persons for enrollment as citizens of the Cherokee Nation under the provisions of the act of Congress of May 31, 1900, and on the same date the record in this case was forwarded to the secretary of the Interior for his review. On May 12, 1902, the secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes refusing the application for enrollment as citizens of the Cherokee Nation of Delila E. Perse and her two minor children, Nettie and Velma Perse.

The applicant George R. Perse applies for the enrollment of himself, his wife Delila E. and his children, Nettie and Velma Perse as citizens of the Choctaw nation. The names of none of the applicants are found upon the tribal rolls of the Choctaw Nation, nor do they appear to have been admitted to Choctaw citizenship. The applicant in chief claims his right to enrollment by reason of an alleged marriage in 1874 to one Permelia Morrison whom it is claimed was a citizen by blood of the Choctaw Nation.
Application is made for the enrollment of his wife Delila E. Perse as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of the two children Nettie and Velma Perse as the descendants of George R, and Delila E. Perse.

George R. Perse--6.

It is alleged that Delila E. Perse is a citizen by blood of the Cherokee Nation but the rights of herself and her two minor children have been finally adjudicated by the Commission to the Five Civilized Tribes and by the Secretary of the Interior.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of May 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) CLARA MITCHELL WOOD

Subscribed and sworn to before me this 31st day of May 1902.

(Signed) WILLIAM T. MARTIN
Notary Public.

(S E A L)

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 9th day of November 1905

Myrose H. Lite
Notary Public

Certified Copy.

Cherokee MEMO.-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 17, 1902.

In the matter of the application of Delilah Elvira Perse for the enrollment of herself and two children as Cherokee citizens by blood; being sworn and examined she testified as follows:

By Commission:
Q What is your name? A Delilah Elvira Perse.
Q How old are you? A 44 years old or '5, I forget.
Q What is your postoffice address? A Poteau.
Q Do you apply for enrollment as a Cherokee by blood? A Yes sir.
Q Do you apply for anyone besides yourself? A I have two children.
Q Are they under 21 years of age? A Yes sir.
Q Are they unmarried? A Yes sir, one is 13.
Q Give their names? A Nettie Perse.
Q She is 13? A Yes sir.
Q Give me the name of the next child? A Velmer.
Q How old? A Four.
Q Is that all, just these two children? A Yes sir, that is all that's under age.
Q Are they both living? A Yes sir.
Q What is their father's name? A George Perse.
Q Is he a Cherokee or white man? A He is a white man ?
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A No sir, but my grandmother was.
Q Does your name appear upon any of the tribal rolls? A No sir.
Q Did you apply to this Commission in 1896 for admission to citizenship in the Cherokee Nation? A Yes sir, I reckon it was '96.
Q Was Nettie embraced in the application? A Yes sir,but the baby was not.

Rolls of the Cherokee Nation in possession of the Commission examined and neither applicant or her children were ever admitted to citizenship in the Cherokee Nation by the tribal authorities thereof.

It appears from the records of the Commission made in accordance with the provisions of the Act of Congress approved June 10, 1896, that Delilah E. Perse applied to the Commission for admission of herself and her oldest child Nettie Perse to citizenship in the Cherokee Nation; that her application was denied by the Commission, from which decision no appeal was taken.

By Commission: Delilah Elvira Perse applies for the enrollment of herself and two children, Nettie Perse and Velmer Perse as citizens of the Cherokee Nation. It appears from the records of the Commission that she was denied admission to citizenship in the Cherokee Nation in 1896 by this Commission together with her eldest child, Nettie, under the provisions of the Act of Congress approved June 10, 1896, and that no appeal was taken from the decision of the Commission. Her present application appears therefore to come within the provisions of the act of Congress approved May

31, 1900, which provides:

"That said Commission shall continue to exercise all authority heretofore conferred by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Consequently, the application which Delilah E. Perse makes for the enrollment of herself and two children will be listd for rejection.

M. G. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this February 20, 1902.

(Signed) T. B. Needles.

Frances R. Lane, a stenographer to the Commissioner to the Five Civilized Tribes, being first duly sworn states that the above and foregoing is a true and correct transcript of the testimony on file in the Cherokee Citizenship case of Delilah Elvira Perse et al., taken at Muskogee, Indian Territory, before the Commission to the Five Civilized Tribes, on February 17, 1902.

Frances R Lane

Subscribed and sworn to before me this November 14, 1905.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

::::::::::::::::

In the matter of the application of Delila E. Perse for enrollment as an intermarried citizen of the Choctaw Nation and for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation.

Commissioner to the

Five Civilized Tribes.

Sir:

Your petitioner, Delila E. Perse, for herself and her two children Nettie Perse, now Miller having married Sept 1905 seventeen years of age and Velma Perse, eight years of age, respectfully asks that they be enrolled as citizens of the Choctaw Nation.

Your petitioner, Delila E. Perse, states that she is a white woman and was lawfully married in 1884 to Geo. R. Perse, a citizen by intermarriage of the Choctaw Nation who has been finally enrolled and approved as such by the Honorable Secretary of the Interior; that the other petitioners herein, Nettie Perse and Velma Perse are the issue of said George R. Perse and your principal applicant herein; that both said children are now living; that they have always lived since their birth with the said George R. Perse in the Choctaw Nation; that your petitioner, Delila E. Perse claims her right to enrollment as an intermarried citizen of the Choctaw Nation by virture of her marriage to the said George R. Perse who was married to his Indian wife in the year 1874; that the other petitioners, Nettie Perse and Velma Perse claim their right to enrollment by virtue of being the children of George R. Perse an intermarried citizen of the Choctaw Nation and born in lawful wedlock.

Lucia E. Perse
et al

JAN 2 1906

Chilton Kilby
Attorney,
Admonitor

#2

Your petitioner further states that application was made to the Commission to the Five Civilized Tribes in May, 1902, for the enrollment of Delila E. Perse, as an intermarried citizen of the Choctaw Nation and for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation and reference is made to the records in charge of the Commissioner to the Five Civilized Tribes in support thereof.

WHEREFORE, petitioner asks that Delila E. Perse be enrolled as an intermarried citizen of the Choctaw Nation and that Nettie Perse and Velma Perse be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

(Signd) Delila E. Perse

Petitioner.

Delila E. Perse being first duly sworn on oath says that she knows the allegations set out in above and foregoing petition and that the same are true.

(Signd) Delila E. Perse

Subscribed and sworn to before me this the 17 day of January, A. D. 1906.

(Signd) Jean R. Day
Notary Public.

Fred V. Kinkade being first duly sworn on oath says that he served a carbon copy of above petition by registered mail on the attorneys for the nation; that attached registry receipt is for letter in which same was enclosed.

Subscribed and sworn to before me this the _____ day of January, A. D. 1906.

Notary Public.

Chilion Riley,
Attorney for petitioners,
Ardmore, Indian Territory.

7-D-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delila E. Perse, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein that on May 29, 1902, George R. Perse appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself and his wife, Delila E. Perse, as citizens by intermarriage of the Choctaw Nation, and for the enrollment of his two minor children, Nettie and Velma Perse, as citizens of said nation. The right of George R. Perse (who is a white man) to enrollment as a citizen by intermarriage of the Choctaw Nation has heretofore been determined, his name appearing as number 1382 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905.

It further appears from the record herein that under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 25, 1906, by Chilion Riley of Ardmore, Indian Territory, attorney for the petitioners, a petition verified by Delila E. Perse, and submitted on behalf of herself and her two minor children, Nettie and Velma Perse, praying that they be enrolled as citizens of the Choctaw Nation.

It further appears from the records of this office that on March 16, 1906, the Commissioner to the Five Civilized Tribes rendered his decision in the matter of the application for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation denying her application, and that on said date the record in said case was transmitted to the Secretary of the Interior.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Delila E. Perse vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No. 620), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Cherokee Nation of the applicant, Nettie Perse, as a citizen by blood thereof, and that thereafter, said Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It further appears from the record herein and from the records of the Commission to the Five Civilized Tribes that on

February 17, 1902, application was made to said Commission for the enrollment of the applicants, Nettie and Velma (as Velmer) Perse, as citizens by blood of the Cherokee Nation, and that on April 9, 1902, said Commission rendered its decision therein denying said application, which decision was on May 12, 1902 (I.T.D. 2679-1902) approved by the Secretary of the Interior.

The applicants, Nettie and Velma Perse, claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of Delila E. Perse, a non-citizen, and George R. Perse, above mentioned.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the petition for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 21 1906

7-D-731

Muskogee, Indian Territory, June 21, 1906.

COPY.

Delila E. Perse,

Poteau, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906 denying the application and petition for the enrollment of your children, Nettie Perse and Velma Perse as citizens of the Choctaw Nation, and dismissing the petition for your enrollment as a citizen by intermarriage of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-731

7-D-731

Muskogee, Indian Territory, June 21, 1906

Chilion Riley,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application and petition for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation, and dismissing the petition for the enrollment of Delila E. Perse as a citizen by intermarriage of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-731.

7-D-731

Muskogee, Indian Territory, June 21, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application and petition for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation, and dismissing the petition for the enrollment of Delila R. Perse as a citizen by intermarriage of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tam

Commissioner.

Incl. 7-D-731.

Muskogee, Indian Territory, June 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the matter of the application and petition for the enrollment of Nettie Perse and Velma Perse as citizens of the Choctaw Nation, and dismissing the petition for the enrollment of Delila E. Perse as a citizen by intermarriage of said Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, reversing said application.

Respectfully,

Commissioner.

2 Incl. 7-D-731

Through the
Commissioner of Indian Affairs

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

O.K.

L.RE.

I. T. D.
4194, 3142, 3146,-1907
3166, 3168, 4516, "
4091, 4652, 4746, "
7400, 2222,1906.

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your report and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
Jacob Green,	June 14, 1906.
Ethel Puckett,	November 12, 1906.
Joseph Beal,	November 8, 1906.
S. K. Pollock,	November 16, 1906.
Harry Holmes, et al.,	November 6, 1906.
Dealie Cooper (Misc. Case.),	December 15, 1906.
Thomas A. Turner,	October 19, 1906.
Louisa Mabry (Freedman),	January 14, 1907.
Winnie D. Johnson, (Freedman),	February 2, 1907.
Delila E. Perse et al.,	June 21, 1906.

A copy hereof, and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse M. Wilson,

Assistant Secretary

10 enc. and 10 hrs.
for Ind. Off., with
copy hereof.

A.C.L.M.

COPY

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,

LAND: OFFICE OF INDIAN AFFAIRS,

5322-1906. WASHINGTON.

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of November 24, 1906 (I.T.D. 21436), May 14, 1902 (I.T.D. 2679), and July 10, 1906 (I.T.D. 2548), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application of Delila E. Perse, et al., as citizens of the Choctaw Nation.

On May 29, 1902, George R. Perse applied to the Commission to the Five Civilized Tribes at Muskogee, I. T., for the enrollment of himself and his wife, Delila E. Perse, as citizens by intermarriage and of his two minor children, Nettie and Velma Perse as citizens. The right of George R. Perse (who is a white man) to enrollment as a citizen by intermarriage of the Choctaw Nation had already been determined and he is identified at No. 1382 on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of that nation and approved by the Department on March 14, 1905.

On June 21, 1906, the Commissioner held that the applicants, Delila E., and Nettie and Velma Perse were not entitled to enrollment as citizens.

The record shows that a petition was filed by Chilton Riley of Ardmore, I. T., attorney for the petitioners, on January 25, 1906, on behalf of Delila E., Nettie and Velma Perse praying for enrollment as citizens of the Choctaw Nation.

On March 16, 1906, the Commissioner held that Delila E. Perse was not entitled to enrollment as a citizen by intermarriage which decision was approved by the Department in Department letter of November 24, 1906 (I.T.D. 21436).

The record further shows that on September 7, 1906, in the case entitled "Delila E. Perse vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No. 620), application was made to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for the admission of Nettie Perse as a citizen by blood of the Cherokee Nation and the Commission held that the applicant was not entitled to such enrollment. No appeal was taken from this decision.

On February 17, 1902, application was made to the Commission for the enrollment of Nettie Velma (as Velmer) Perse as a citizen by blood of the Cherokee Nation and on April 9, 1902, the Commission held that the applicants were not entitled to such enrollment.

Inasmuch as Delila E. Perse claimed no other right to

be enrolled as a citizen of the Choctaw Nation than that derived by virtue of her marriage to George E. Perse, a citizen by intermarriage of that nation, and as she has already been excluded from such enrollment by Department letter (I.T.D. 21236-1906), above referred to, her children, Nettie and Velma Perse, who claim their right to be enrolled as citizens of the Choctaw Nation through their parents, should be excluded from such enrollment in view of the opinion of the Assistant Attorney-General for the Department rendered in the case of William Jesse Bacon in Department letter of July 10, 1906 (I.T.D. 3548-1) and also in view of Section 2 of the Act of April 26, 1906 (34 Stat.L., 137). The decision of the Commissioner adverse to the applicants is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

7-3-721.

Muskogee, Indian Territory, March 13, 1907.

Delila E. Perse,

Poteau, Indian Territory.

Dear Madam:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-B-721

Muskogee, Indian Territory, March 13, 1907.

John Lendon,
Attorney at Law,
Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-3-721

Muskogee, Indian Territory, March 13, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Delila E. Perso as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WISTER, I. T., Dec. 16, 1902.

7-2721

In the matter of the application of George R. Perse for enrollment as an inter married citizen of the Choctaw Nation.

George R. Perse being sworn testified as follows:

Examination by the Commission:

Q What is your name? A. George R. Perse.
Q How old are you? A. About 44 years old.
Q What is your post office address? A. Poteau.
Q How long have you lived in the Choctaw Nation? A About 26 or 28 years.
Q Lived here continuously for that length of time? A. Yes, except a short time I was on the other side of the river.
Q Do you claim intermarried rights in the Choctaw Nation? A. Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A. Well, she was a Folsom; Permelia, Judge Folsom's daughter.
Q What is the name of your present wife? A. Delila Elvira
Q She's living is she? A. Yes, sir.
Q She's a white woman? A. Well, I reckon she's Cherokee but never established her rights; I kept her here.
Q How many children have you? A. Two.
Q What are their names? A. Nettie and Velma.
Q You and your family are now actual and bona fide resident s of the Choctaw Nation? A. Yes sir.

-o-o-o-o-o-o-

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 16, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

(Signed) HENRY G. HAINS

Subscribed and sworn to before me this 3 day of January, 1903.

(Signed) CHARLES M. SAWYER
Notary Public

(S E AL)

Lucy M. Bowman being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript

Lucy M Bowman

Subscribed and sworn to before me this 9th day of November, 1905

Mytron H Wister
Notary Public.

It does not appear from the record herein, nor from the records in the possession of this office, that said applicant has ever been recognized by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court of competence of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 521).

I am therefore of the opinion that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of January 28, 1905 (I.T.D.11055-1904), in the Choctaw enrollment case of Anna Heinemann, the application made for the enrollment of Bobby E. Perse as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

MAR 16 1905.

7-D-721.

COPY.

Muskogee, Indian Territory, March 16, 1906.

Delila E. Perry,

Petoka, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for Review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-721

7-D-731

Muskogee, Indian Territory, March 16, 1906.

John London,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, den ing the application for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Wm. C. Grall

Registered.

Acting Commissioner.

Incl: 7-D-731.

7-D-731

Muskogee, Indian Territory, March 16, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, dated March 16, 1906, denying the application for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Wm. O. Beall.
Acting Commissioner.

Incl. 7-D-731.

COPY.

Muskogee, Indian Territory, March 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Delila E. Porse as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 16, 1906, denying said application.

Respectfully,

Wm. O. Beall

Acting Commissioner.

2 Incl. 9-D-731.

Through the
Commissioner of Indian Affairs.

CRW

D. C.52111

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 21436- 1906. November 24, 1906,

Commissioner to the pive Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 16, 1906, the Acting Commissioner transmitted the record int the matter of the application for the enrollment of Delila R. Perse as a citizen be intermarriage of the Choctaw Nation, including your decision of the sam e date, adverse to the applicant.

Reporting October 25, 1906(Land 24837), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Very respectfully,
Thos. Ryan,
First Assistant Attorney.

1 inc. and 2 to Ind. Of.

Through the Commissioner
o. Indian Affairs.

Land
24337-1906

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Departmental letter of May 12, 1902, (I. T. D. 2679) this Office has the honor to enclose the report from the Commissioner to the Five Civilized Tribes, dated March 16, 1906, transmitting the record relative to the application for the enrollment of Delila E. Perse, as a citizen of the Choctaw Nation.

On May 29, 1902, George R. Perse made application for the enrollment of himself and wife, Delila E. Perse, as citizens by intermarriage at Muskogee, Indian Territory, and for the enrollment of his two minor children, Nettie and Velma Perse, as citizens.

On March 16, 1906, the Commissioner held that Delila E. Perse was not entitled to enrollment as a citizen by intermarriage of the Choctaw Nation and further held that as the right of George R. Perse for enrollment had already been determined, he being identified as No. 1382 on the list prepared by the Commission under the provisions of the Act of Congress Approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and as the applications for the enrollment of Nettie and Velma Perse were differently classified that those

parties were not included in his decision.

The record shows that the principal applicant, Delila E. Perse, claimed her right to enrollment as a citizen by intermarriage by virtue of her marriage to George R. Perse about the year 1885.

The records further show that on September 7, 1896, in the case entitled Delila E. Perse vs. the Cherokee Nation (1896 Cherokee Citizenship Docket case No. 620), the applicant, Delila E. Perse, made original application to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321) for admission to citizenship in the Cherokee Nation, as a citizen by blood and that the Commission Afterwards denied the apllication and no appeal was taken from this decision.

The records also show that on February 17, 1902, application was made to the Commission for the enrollment of Delila~~E.~~ Perse as a citizen by blood of the Cherokee Nation and on April 9, 1902, the Commission rendered its decision denying this application and on May 12, 1902, (I. T. D. 2679) the decision was approved by the Department.

The records do not show that the applicant was ever enrolled by the Choctaw tribal Authorities, or admitted to Choctaw Citizenship by a duly constituted Court, or Committe of the Choctaw Nation, or by a decree of the U. S. Court in the Indian Territory, under the

provisions of the Act of Congress approved June 10, 1896, (32 Stats., 251).

In view of the opinion rendered by the Assistant Attorney-General for the Department in the case of Rosa Mahmandir in the Departmental letter of January 25, 1905, (I. T. D. 11868- 1904), holding that citizenship by intermarriage cannot be established by showing a marriage to an intermarriagecitizen, the decision of the Commissioner is affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HHB-HHG.

9-B-721

Muskogee, Indian Territory, December 10, 1906.

Delila E. Perse,

Poteau, Indian Territory,

Dear Madam:

You are hereby advised that on November 24, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-731

Muskogee, Indian Territory, December 10, 1906.

John London,

Attorney at Law,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that on November 24, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Delila B. Perse as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 24, 1906, above referred to.

Respectfully,

Commissioner.

7-D-731

Muskogee, Indian Territory, December 10, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 24, 1906, the Secretary of the Interior affirmed the decision of this office of March 16, 1906, denying the application for the enrollment of Delila E. Perse as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 24, 1906, above referred to.

Respectfully,

Commissioner.

918/242

COPY

REFER IN REPLY TO THE FOLLOWING:

LAND:
53221-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 6, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letters of November 24, 1906 (I.T.D. 21436), May 12, 1902, 1902 (I.T.D.2679) and July 10, 1906 (I.T.D. 2546), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application of Delila E. Perse, et al., as citizens of the Choctaw Nation.

On May 29, 1902, George R. Perse applied to the Commission to the Five Civilized Tribes at Muskogee, I. T., for the enrollment of himself and his wife, Delila E. Perse, as citizens by intermarriage and of his two minor children; Nettie and Velma Perse as citizens. The right of George R. Perse (who is a white man) to enrollment as a citizen by intermarriage of the Choctaw Nation had already been determined and he is identified at No.1382 on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stat. L.,641), of persons entitled to enrollment as citizens by intermarriage of that nation and approved by the Department on March 14, 1905.

On June 21, 1906, the Commissioner held that the applicants, Delila E., and Nettie and Velma Perse were not entitled to enrollment as citizens.

The record shows that a petition was filed by Chilion Riley of Ardmore, I. T., attorney for the petitioners, on January 25, 1906, on behalf of Delila E., Nettie and Velma Perse praying for enrollment as citizens of the Choctaw Nation.

On March 16, 1906, the Commissioner held that Delila E. Perse was not entitled to enrollment as a citizen by intermarriage which decision was approved by the Department in Department letter of November 24, 1906 (I.T.D. 21436).

The record further shows that on September 7, 1906, in the case entitled "Delila E. Perse vs. Cherokee Nation" (1896 Cherokee Citizenship Docket, Case No.620), application was made to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L.,321), for the admission of Nettie Perse as a citizen by blood of the Cherokee Nation and the Commission held that the applicant was not entitled to such enrollment. No appeal was taken from this decision.

On February 17, 1902, application was made to the Commission for the enrollment of Nettie Velma (as Velmer) Perse as a citizen by blood of the Cherokee Nation and on April 9, 1902, the Commission held that the applicants were not entitled to such enrollment.

Inasmuch as Delila E. Perse claimed no other right to be enrolled as a citizen of the Choctaw Nation than that derived

by virtue of her marriage to George E. Perse, a citizen by intermarriage of that nation, and as she has already been excluded from such enrollment by Department letter (I.T.D.21436-1906), above referred to, her children, Nettie and Velma Perse, who claim their right to be enrolled as citizens of the Choctaw Nation through their parents, should be excluded from such enrollment in view of the opinion of the Assistant Attorney-General for the Department rendered in the case of William Jesse Bacon in Department letter of July 10,1906 (I.T.D.2548) and also in view of Section 2 of the Act of April 26, 1906 (34 Stat. L.,137). The decision of the Commissioner adverse to the applicants is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

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12045

DEPARTMENT OF THE INTERIOR
DEC 7 1906
Enc. No. 1 of No. 24528
LAND TERRITORY DIVISION

N. 2.

731

D. 732

Eve Ella Allen.

Record transferred to
Chaotic card #2642

8. 733

Lulu Page.

Record transferred to
Checkard card # 2436

CHOCTAW D 734

Ollie Jones

Record transferred to
CHOCTAW # 2516

D. 735

William T. Rabon

Record transferred to
Choctaw card #2760

D. 736

Lillian P. Overstreet

Record transferred to
Choctaw card # 5709

D. 737

Stella Doyle Hailey

Record transferred to
Choctaw card # 4634

CHOCTAW R. 738

Rosetta Johnson

GRANTED.

and transferred to CHOCTAW card No. 3705 OCT 20 1903

Choctaw D-239

Belle Vandergriff

P 239

IV 19. 2

elle Vandergriff

DISMISSED

MAY

Wife of William P. Vandergriff
on Choctaw card #26x9

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

Belle Vandergriff 7-D-739.

----o----

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 6, 1908.

In the matter of the application for the enrollment of Belle Vandergriff as a citizen by intermarriage of the Choctaw Nation.

Belle Vandergriff, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Belle Vandergriff.
Q How old are you? A Seventeen.
Q What's your post office address? A McCarty, Indian Territory.
Q What Nation is that in? A Choctaw.
Q How long have you lived in the Choctaw Nation? A About twelve years.
Q Lived there continuously for twelve years? A Yes, sir.
Q Where did you live before that? A In Arkansas.
Q Were your parents born in Arkansas? A Yes, sir.
Q Were you born in Arkansas? A Yes, sir.
Q And lived there up until you moved to the Choctaw Nation? A Yes, sir.
Q What's your father's name? A John Harvel.
Q Your father living? A Yes, sir.
Q What's your mother's name? A Mattie Harvel.
Q Your mother living? A Yes, sir.
Q Your mother and father both white persons? A Yes, sir.
Q Citizens of the United States? A Yes, sir.
Q Did they ever make any claim to citizenship by blood in any tribe of Indians? A No, sir.
Q Have they ever drawn any money as a member of any tribe of Indians? A No, sir.
Q You are a white woman, are you? A Yes, sir.
Q Citizen of the United States? A Yes, sir.
Q Have you ever been recognized in any manner as a citizen by blood of any tribe of Indians? A No, sir.
Q Did you ever draw any money as a member of any tribeof Indians? A No, sir.
Q You are an applicant at this time for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q Whatis the name of your Choctaw husband? A Bill Vandergriff.
Q What's his full given name? A William P.
Q Is he a citizen of the Choctaw Nation? A Yes, sir.
Q How did he become a citizen? A By being a Indian.

William P. Vandergriff, the husband of this applicant, appears upon Choctaw Roll Card, Field Number 2640. William P. Vandergriff does not appear to have ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that tribe, and his right to citizenship is by

Belle Vandergriff, 2.

virtue of a judgment of the United States for the Central District of the Indian Territory, rendered September 11, 1897, in Choctaw citizenship case 62, under the act of Congress of June 10, 1896.

Q When were you married to William P. Vandergriff? A Second of February.
Q What year? A This year.
Q Were you ever married before you married him? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q Where were you married? A In the Territory.
Q At what place? A At Pocola.
Q Who married you? A Parson, - Harmon.
Q Have you your marriage license and certificate? A Yes, sir.

There is offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case, the marriage license issued by the Clerk of the United States Court for the Central District of Indian Territory to William Vandagriff to marry Miss Belle Harvell, the same being dated January 25, 1902, and attached thereto being the certificate of A. B. Harlan as to the marriage of William Vandagriff and Belle Harvell, on February 2, 1902, said marriage license and certificate being recorded in the marriage records of the United States Court for the Central District of IndiansTerritory, book 2, page 80.

Q The only marriage ever performed between you and your husband is under this license is it? A Yes, sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, on the 9th day of July, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit

Subscribed and sworn to before me at Meridian, Mississippi this 17th day of July 1902.

O A Rumach

Notary Public.

7-D-739.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application of Belle Vandergriff for enrollment as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Belle Vandergriff, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William P. Vandergriff. The right of the applicant's husband, William P. Vandergriff, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 65, upon the South McAlester docket of said court, it is hereby ordered that the application of Belle Vandergriff for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY 27 1907

Choctaw D. 739

COPY!

Muskogee Indian Territory June 8, 1904

Belle Vandergriff,

Poteau, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered

Incl. T-D. 739

COPY. Choctaw R-726

Muskogee Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application of Belle Vandergriff for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.
Chairman.

Registered
Incl. R-726

(See Choctaw R-650 for registry receipt for this letter.)

No. 1375

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SCT:

I, E. J. Summers, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. William Vandagriff and Miss Belle Harrell was filed in my office in said Territory and District the 12 day of February, A. D. 1902 and duly recorded in Book 2 of Marriage Record, Page 70.

WITNESS my hand and seal of said Court, at Poteau this 12 day of February, A. D. 1902.

E. J. Summers
Clerk.

By J. J. Vance Deputy.

T—60

No. 1375

FORM No. 808.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **Banns of Matrimony** between Mr. William Vandagriff of Pocola in the Indian Territory, aged 19 years, and Miss Belle Harrell of Pocola in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 25 day of January, A. D. 1902

By T. T. Varner, Deputy.

E. J. Lamm
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

I, E. B. Harlan a Minister do hereby CERTIFY, that on the 2 day of Feb, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 2 day of Feb, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 291

E. B. Harlan
a Minister

when Recorded return to Parties

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

D. 740

Myrtle Hudson

Record transferred to
Choctaw card # 1980

CHOCTAW D 741

Alta Baxter

Record transferred to

CHOCTAW # [illegible]

Choctaw D 742

Williams Colbert or James

Transferred to

Chick D. 324

Jan. 17. 1907.

CHOCTAW
da Downey.

GRAN
and transmitted
to Choctaw 18.
MAY

Cheatham D-744

CHOCTAW

C. Brooks

DISMI

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as citizens of the Choctaw Nation of . . . . . .

U. O. BROOKS, et al.....7-D-844.

--: MARRIAGE LICENSE :--

THE CHOCTAW NATION, Indian Territory, TOBUCKSY COUNTY. } SS.

TO ANY MINISTER OF THE GOSPEL, JUDGE OR ANY PERSON IN THE CHOCTAW NATION, AUTHORIZED TO SOLEMNIZE THE RITES OF MATRIMONY,

G R E E T I N G :--

WHEREAS, U. O. Brooks, a citizen of the United States, has duly made application to the undersigned, Clerk of the County and Probate Court, within and for the County of Tobucksy, Choctaw Nation, for a license to enter into the Bonds of Matrimony with Mrs. Martha Brooks, a citizen of the Choctaw Nation. And the undersigned being satisfied that the said U. O. Brooks is a suitable person to be granted license to enter into the Bonds of Matrimony with the said Mrs. Martha Brooks:

NOW, I therefore grant unto the U. O. Brooks a license to marry the said Mrs. Martha Brooks. And any Minister of the Gospel, Judge or any person authorized to solemnize the rites of Matrimony, is hereby authorized to join in Matrimony the said U. O. Brooks and the said Mrs. Martha Brooks.

IN TESTIMONY WHEREOF, I, Edmund M. Bond, County and Probate Clerk, in and for the County of Tobucksy, Choctaw Nation, have hereunto set my hand and seal of said Court, this 3rd day of September, A.D., 1896.

(Signed) Edmund M. Bond, Clerk of Tobucksy County, C.N.

SEAL

CERTIFICATE OF MARRIAGE.

Choctaw Nation, Of Pontotoc County. } I, Alex B. Collet, a Minsiter of the Gospel,

Do hereby certify, that on the 5th day of September, A.D., 1896, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named, W. O. Brooks and Margaret Brooks.

WITNESS MY HAND, This 5 day of September, A.D.1896.

My credentials are recorded in the office of the Clerk of the United States Court, at Ardmore, I.T.

(Signed) Alex B. Collet,

A. B. Collet, Jr.) WITNESSES.
Sarah E.Rice.)

The foregoing License and Certificate bears the following endorsements :--

"I do solemnly swear that I will honor, defend and submit to the Constitution and Laws of the Choctaw Nation, and will neither seek nor claim from the United States Government, or from the Judicial Tribunals thereof, any protection, privilege or redress, incompatible with the treaty stipulations as guaranteed to them by the United States by the treaty stipulations entered into between them. So help me God!

(Signed) U. O. Brooks.

Sworn to and subscribed before me, this 3rd day of September, 1896.

--:SEAL:-- (Signed) Edmund M. Bond, Clerk.

CHOCTAW NATION,)
)
TOBUCKSY County.)

I hereby certify that this instrument was filed in my office for record at 6 o'clock a.m., Sept.24, 1896, and is duly recorded in Book C, Page 547, of the records of Tobucksy County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office, this 24th day of Sept., A.D., 1896.

(Signed) Edmund M. Bond,
Clerk.

--: S E A L :--

United States of America,)
Indian Territory,)
Southern District.)

I, CASWELL BENNETT, a Notary Public, within and for the Southern District of the Indian Territory, at Ardmore,

DO HEREBY CERTIFY, that the within is a true, full and correct copy of a marriage license issued to U. O. Brooks to marry Mrs. Martha Brooks by Edmund M. Bond, on the 3rd day of September 1896, as the same appears on the original, -I having carefully compared the same.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal, this the 18th day of August, 1897.

Caswell Bennett

Notary Public, Southern District,
Indian Territory.

C. Bennett

Choctaw D-744.

In the matter of the enrollment of U. C. Brooks and his wife, Martha Brooks, as citizens of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

CIVILIZED TRIBES.
FILED
FEB 6 1921
Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of U. O. Brooks as a citizen by intermarriage and of his wife, Martha Brooks as a citizen, of the Choctaw Nation, Choctaw Field No.D-744.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Maynard McMorray Gorman
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-744. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of U. O. Brooks, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of U. O. Brooks as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Martha Brooks, as a citizen by blood of said nation.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, neither of the applicants can be identified thereon.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices, and by interviews at this office of prominent Choctaw and Chickasaw citizens of extensive acquaintance, made every effort to ascertain the whereabouts of said applicants, but no information has been obtained.

It is considered that the applicants are either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of U. O. Brooks as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Martha Brooks as a citizen by blood of said nation, should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 1 - 1907

Choctaw D.143

James Holloways

D.745

OUTAW

Mrs Holloway

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

South McAlester, March 22nd, 1899.

In the matter of the Application of
James Holliways for Enrollment as a
citizen of the Choctaw Nation.

Witness Kitsie Alberson, being duly sworn, and examined, testified as follows, to-wit:

Q What name do you go by now? A: Holiway.

Q How old are you? A: About forty-nine years old.

Q Were you married to James Holliway?

A I married him a little over one year ago.

Q How long did you live with him?

A We wereliving together when he went to register. He returned and left me.

Q Whyn did he leave you? A: Nothing; he just went there and tried to register and he could not register, and when he come back he left me.

Q Did he tell you why he was going to leave?

A Never told anything, except that he said he was going to South McAlester and that was the last of him. I heard that he wanted to come back but his mother wont allow him to come back.

Q Who told you that; did he tell you that?

A His mother want to Mrs Parkner and told Mary Boil that he wanted to go back but she did not want him to go back. Mary Boil told me that.

Q Did you and him have any trouble beforehe left? A: No trouble whatever.

Q When he went away did he tell you he was not coming back?

A He saidhe was coming here and he never said anything about it. He said he was coming over here and has never come back.

Q Did he go down after you yesterday evening? A: He come after me and I told him I would come to-day. I was planting corn yesterday.

(2)

Q Did he tell you what he wanted you for?

A Yes sir, he said the Commission wanted to see me.

Q Did he tell you yesterday that he wanted to live with you again?

A Did not say anything.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

South McAlester, March 24th, 1899.

In the matter of the Application of
James Holliway for Enrollment as a Choctaw.

James Holliway, being called and duly sworn, upon being examined testified as follows, to-wit:

Q What was your wife's name? A: L. Alberson

Q When did you marry her? A: In December, 1897.

Q How long did you live together?

A I lived with her about six months

Q How came you to leave her? Did you leave her or she leave you?

A I left her, and simply because I could not afford to support the whole gang she kept around her.

Q Did you ever apply to this Commission for enrollment before?

A Yes sir

Q Where? A: At Stonewall.

Q Was any kind of application made before that? A: No sir.

Q Did your wife promise to enroll you? A: Yes sir

Q Did she do it? A: No sir

Q Do you know why? A: No sir

Q Did you employ any body to have you enrolled?

A Yes sir, I employed McClure to register us at Red Oak.

Q Did he promise to register you for a certain amount ofmoney? A: Yes

Q Did he ever carry you any reason why he did not do it?

A Hesaid he could not register me there.

Q Tell why? A: Yes sir, told me I would have to send a copy ofmy marriage licenses to the Governor before I could get enrolled.

Q This was while you were living with this woman? A: Yes sir

Q How come you to marry that woman? A: Because I wanted to, I guess.

Q Can you speak the Choctaw language? A: No sir

(2)

Q Can this woman speak the English? A: Yes sir, a little

Q Who did the courting in this transaction? Did you do it or her?

A The real through of the business is she did.

Q Who paid for the licenses? A: It was between us. She agreed to pay for them but it come to putting up I had to put up. She paid twenty-five dollars and I paid the balance.

Q Who went and got the license? A: She did.

Q Are you still willing to live with her? A: Yes sir, providing she will gree to do what I ask her.

Q What was that? A: To move to ourselves, if she wants me to support her.

Q Did she have any stock? A: She had a few ponies.

Q Did you undertake to make a living with them?

A Yes sir, tried to farm.

Q Did you carry anything you had to her house? A: No sir

Q Did you or did you not furnish some corn? A: Yes sir, I carried about 100 bushels of corn to the house.

Q Did she interfere ith you working the crop? A: Yes sir, but I could not find out why was the matter.

Q How did she interfere? A: About the time I got my crop planted and it was up, and large enough to begin to plow, she got on a fighting spell and what stock she turned over to me she took it all away from me and I had nothing to plow with.

Q Did you ever leave before this final separation? A: Yes sir

Q How come you to go back? Did she make any promises to you? How come you to go back? A: I went back to her and had a talk over the matter about what she got mad about and taking off the stock away from me and still she would not tell me what the trouble was.

Q Did she promise to let you have the horses back to work out the crop?

A She said I could take them and work the crop. She said the others would not work.

Q Did you go to work? A: No sir

Q Did you cut your oats? A: Yes sir, I went to cut my oats.

Q What time of the year was that?

A It was in the early part of the summer.

Q It was the fall after that that you separated finally? A: Yes sir

Q And you promised to stay with her if she would get this crowd off her hands? A: Yes sir

Q And that was the reason you left? A: Yes sir

Q Did you propose to go some where else and get a place?

A Yes sir, and she said she would not move a step.

Q And you then left? A: Yes sir, I went off

Q Was that the first time or the second time? A: Yes sir

Q What that her place? A: Yes sir

Q How old were you wne you married her? A: I will soon by twenty-nine

Q When you married her how old wane you? A: I was a little over 27.

Q Where did you live? Here in the nation? A: Yes sir

Q Where were you raised? A: In Louisiana.

Q After you had the first trouble, you went back to live with her?

A Yes sir

Q How long did you live with her then? A: About two and a half months

Q Get along nicely then. Gent along all right during that two and a half months? A: We did not. She brought up this subject about me buying provisions and I made the remark back to her and she agreed to move to ourselves and that I would provide for her. That as long as she kept the crowd around I would not.

Q You stayed until you could not register at Stonewall and then left immediately? A: Yes sir

Q How long after you got back from St newall?

A Just as soon as I got back from there I pulled out.

Q Was it then you told her that if she would leave that crowd you would make a living for her? A: Yes sir

Q How many acres in her place? A: In one field 35 acres and in the other there was about twenty acres.

(4)

Q Where were you going to take her to?

A I was going to take her some where ever on Brushy.

Q Did not have any place ever there? A: Had one picked out

Q How many people did she keep around her? Were they kin folks?

A Part of them were kin folks. The others I could not say whether they were kin or not

Q Did they work any? A: No sir

Q Were they there when you married her? A: Yes sir

Q Were you married there at the place? A: No sir

Q Did not know anything about these people? A: Yes sir, I had been there before

Q You knew she had them around her? A: No sir, I did not know that

Q Did you leave her because she would not get rid of this crowd or because you did not get on the rolls? A: No sir, I did not leave her because I could not get on the rolls. I was still willing to live with her and am willing yet.

Q Do you live her? A: Yes sir

Q She talk English any? A: Yes sir, she talks some.

Q About sixty years old is she? A: I could not say to be sure, only what they told me. I don't know whether it is true about her age or not.

Q What did they tell you about her age? A: When I went to Stonewall before the Commission they gave the age in there as sixty-seven. I could not say because I do not know.

Q Were all these people there when you went there to spark the old lady? When you were there courting were these people down there? These people you talk about. Wasn't these people living there on the placewith the old lady when you went there courting her? A: No sir

Q Just she alone? A: She and her daughter.

Q How manynchildren did she have? A: Three, I think.

Q Did not have any by you? A: No sir
Q Have any grown children? A: Yes sir. Q:Living with her? A:No sir.

---

(5)

Witness G. W. Beams, sworn and examined in behalf ofApplicant Holliway:

Q What is your age? A: Thirty-one.

Q You acquainted with the woman this young man married? A: Yes sir

Q How long have you known her? A: About ten years.

Q Do you know anything about the circumstances of their marriage?

A Yes sir, a little

Q Do you know how they come to get married?

A Yes sir, I believe I do

Q State it?

A In the first place when they commenced to correspond with one another they come down to my place. She and her daughter. She was sick. She come down there to stay to be doctored. While she was down there she took a notion that she wanted her daughter to marry Jim Holliway, so she got me to fix it up for her, and I got it fixed up but beforethey got ready to marry she took a notion she wanted Jim herself and she made her daughter quit and went to corresponding with him herself. I know this to be a factbecause she got me to do part of the corresponding. So they fixed up everything and got married.

Q Jim was first engaged to the daughter? A: Just partly engaged. They were not ready to get the license, but she was willing for the girl to take Jim and he would have taken her but the old lady took a notion she wanted him herself.

Q What relation are you to her? A: I am not any. When I first married I married her daugter.

Q Jim is your brother in law. A: He was. My firstwife is dead.

Q Do you know why she was so anxious to marry a white man?

A At the time she told me and beforethey were ready to marry, that she had a big law suit and they had got about all she had. It was in theChoctaw court. She was about to lose all she had and she thought she might work the case into the United States court and have some protection. She had some cattle and mules, etc., and they got it all.

Q Can you tell why it was Jim was so anxious to marry an Indian?

A He was not anxious. I am confident of hat. He was like any one else. He took a notion he wanted her and married her.

Q What kind of a woman is she from a standpoint of intelect?

A She is about like any of the rest of the full blood indians.

Q Was Jim willing to give up the girl?

A Yes sir. She would not let the girl marry Jim

Q He was ~~[illegible]~~ going to get into the family some how? A: Yes sir

Q What made Jim leave her? They got along all right?

A She might have been a very good old lady though she has never proved it. I know the woman.

Q Do yoy know the woman? A: Yes sir, ~~[illegible]~~

Q Did you know know that you were getting Jim into a scrape.? A: Yes

Q Did you advise him to marry her? A: No sir, he could do as he pleased. If she wanted to marry him. She made the proposal himself.

Q Is Jim a good worker? A: Yes sir

Q Kind of an easy worker? A: Yes sir, he takes the world easy.

James Holliway recalled:

Q Was it your understanding that you were to marry the woman or the girl? A: My understanding was to marry the woman.

Q Had no license for but the one? A: That was all I bargained for.

Q When you married this woman you had nothing? A: No sir

Q Kinder knocking around through the country here? A: Yes sir

Q Had been farming before that? A: Yes sir

Q Took one hundred bushels of corn over there? A: Yes sir

Q Had a farm rented? A: Worked on the shares with a man.

Q Are you a white man? A: Yes sir

Q Are you a Choctaw by blood? A: Yes sir

Witness G. F. Greswell, called, sworn, and examined, testified as follows:

Q What is your age? A: Forty-three.

Q I want to ask you what relation you are to Jim? A: Step-father.

Q How long has he been in your family? A: About seven years, I guess.
Q I will ask you if he is not a kind of boy that is easily influenced?
A Yes sir, I think he is
Q Do you know about the circumstances of this marriage?
A I know something about it. He was staying at my house at the time he was married. He don't say much to any body abouthis business any way, but I knew something of it.
Q Do you know anything about the circumstances of the separation?
Q Nothing only what he told me
Q Do you know ~~what~~ about the circumstances of the procuring of the license of your own knowledge?
Q The first I know anything about it the old lady come up there one evening and wanted to see Jim. Said he had a license and wanted to marry him . The Clerk brought the license down next day and they were married. She had made arrangements to get them. That was the first I saw of it.
Q Did you ever see that crowd around there? A: Yes sir
Q How many? A: Eight or ten
Q Whatkind of people were they? A: They loafed around there
Q Were they there before he married? A: Yes sir
Q Grand children and kin folks? A: I don't know.

Jim Holliway, recalled:
Q You a white man? A: Part Indian
Q You paid $25.00 for the license and she paid $25.00?
A No sir, she paid $25.00 and I paid the balance.
Q Where did you get that money? A: I let some of it go. I put in ~~$25~~ twenty-five bushels of corn and borrowed the balance.
Q Pay it in money or in scrip? A: Paid it in money.
Q The license cost $100.00 Then you had to pay $75.00 You paid twenty-five bushels of corn and the balance in money? A: Yes sir.

(8)

Q How much money? A: I paid $20.00 in money; hard money.

Q No sixteen to one money about it? A: Hard money and corn.

7-D-745. DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Ateka, Indian Territory, February 27, 1905.

--oOo--

In the matter of the application for the enrollment of James Holloways as a citizen by intermarriage of the Choctaw Nation.

--oOo--

Silas D. Folsom, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Silas D. Folsom.
Q How old are you? A Born in '72--thirty-three.
Q What is your post office address? A Scipio, Indian Territory.
Q Are you a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.
Q Did you know a white man by the name of James Holloways? A Yes, sir.
Q About how old a man was he when you knew him? A About thirty.
Q Was he married? A Yes, married Kittsie Alberson.
Q Was Kittsie Alberson a Choctaw? A Chickasaw.
Q Is she living now? A Yes. I have not seen her for about a month.
Q Where does she live? A Chambers, Indian Territory.
Q Is that her post office address? A Yes, sir.
Q Is James Holloways living? A No.
Q Did he and Kittsie live together as husband and wife until the death of James Holloways? A They parted I think.
Q Do you know whether or not they were married in accordance with the Choctaw tribal laws? A I don't know.
Q When did James Holloways die? A I think about 1901.
Q Do you remember when the Commission held an appointment at South McAlester in December, 1902? A Yes.
Q How long before that appointment was it that James Holloways died? A About a year before as near as I can tell.
Q Do you know what time of the year it was that he died? A I think it was in October, 1901.
Q For how long prior to his death did you know James Holloways? A About two years.
Q And as near as you can tell he died in October, 1901? A Yes, sir.
Q Do you know James Holloways father's name? A No, sir.
Q You do not know his mother either? A No, sir.

Witness excused.

Robert E. Grumert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case at Ateka, Indian Territory,

James Holloway 2.

on the 27th day of February, 1906, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Gossett

Subscribed and sworn to before me this 9th day of March, 1906.

W. H. Hawkins
Notary Public

No. 7D745

IN RE
THE DEATH OF

James Holloway
a citizen of the

Choctaw Nation.

Approved MAR 24 1905 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAR 24 1905

CHAIRMAN

CHOCTAW.
No. 745.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of James Holloway (Here insert name of deceased) a citizen of the Choctaw Nation, who formerly resided at or near South McAlester (Here insert name of post office), Ind. Ter., and died on the 9th day of November, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mattie Creswell, on oath state that I am 55 years of age and a citizen, ~~by~~, of the United States Nation; that my post office address is South McAlester (Here insert name of post office) Ind. Ter.; that I am the mother (State relationship as: the father; an uncle; a cousin, etc.) of James Holloway (Here insert name of deceased), who was a citizen, by marriage, of the Choctaw Nation; and that said James Holloway (Here insert name of deceased) died on the 9th day of November, 1900

Mattie Creswell

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 20th day of March 1905

Wirt Franklin

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Alfred H. McClure, on oath state that I am 45 years of age, and a citizen, by blood, of the Choctaw Nation; that my post office address is South McAlester, (Here insert name of post office) Ind. Ter.; that I was personally acquainted with James Holloway (Here insert name of deceased) who was a citizen by marriage, of the Choctaw Nation; and that said James Holloway (Here insert name of deceased) died on the 9th day of November, 1900

Alfred H. McClure

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 20th day of March 1905

Wirt Franklin

Notary Public.

7-D-745. DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, Indian Territory, February 27, 1905.

--oOo--

In the matter of the application for the enrollment of James Holloways as a citizen by intermarriage of the Choctaw Nation.

--oOo--

Silas D. Folsom, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Silas D. Folsom.
Q How old are you? A Born in '72--thirty-three.
Q What is your post office address? A Scipio, Indian Territory.
Q Are you a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.
Q Did you know a white man by the name of James Holloways? A Yes, sir.
Q About how old a man was he when you knew him? A About thirty.
Q Was he married? A Yes, married Kittsie Alberson.
Q Was Kittsie Alberson a Choctaw? A Chickasaw.
Q Is she living now? A Yes. I have not seen her for about a month.
Q Where does she live? A Chambers, Indian Territory.
Q Is that her post office address? A Yes, sir.
Q Is James Holloways living? A No.
Q Did he and Kittsie live together as husband and wife until the death of James Holloways? A They parted I think.
Q Do you know whether or not they were married in accordance with the Choctaw tribal laws? A I don't know.
Q When did James Holloways die? A I think about 1901.
Q Do you remember when the Commission held an appointment at South McAlester in December, 1902? A Yes.
Q How long before that appointment was it that James Holloways died? A About a year before as near as I can tell.
Q Do you know what time of the year it was that he died? A I think it was in October, 1901.
Q For how long prior to his death did you know James Holloways? A About two years.
Q And as near as you can tell he died in October, 1901? A Yes, sir.
Q Do you know James Holloway's father's name? A No, sir.
Q You do not know his mother either? A No, sir.

Witness excused.

Robert E. Grumert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case at Atoka, Indian Territory,

James Holloway Jr.

on the 27th day of February, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Gaumer

Subscribed and sworn to before me this 9th day of March, 1905.

[illegible]

Notary Public

(11) CB.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

T-D-748

Muskogee, Indian Territory, February 27, 1903.

James Hollways,

South McAlester, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

T-D-748.

Muskogee, Indian Territory, August 27, 1904.

James Halloway,
South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

9-B-745.

Muskogee, Indian Territory. October 22, 1904.

James Holloways,

Care of R. B. Coleman,

McAlester, Indian Territory.

Dear Sir:-

In the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, you are advised that, before said application can be given further consideration, you must appear before the Commission, at Muskogee, Indian Territory, and testify relative to your intermarried status on September 25, 1902.

This matter should receive immediate attention.

Respectfully,

Chairman.

7

9-D-745

Muskogee, Indian Territory, November 13, 1905.

Mattie Creswell,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 28, 1905, addressed to the Secretary of the Interior which has been by him referred to this office for consideration and appropriate action. Therein you ask the status of the application for the enrollment of your son James Holloway, who was a citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are advised that it appearing from the evidence heretofore forwarded that James Holloway died November 9, 1900, he is not entitled to enrollment and allotment in the Choctaw and Chickasaw Nation as the act of Congress approved July 1, 1902, provides that no person who died prior to September 25, 1902, the date of the ratification of said act, is entitled to enrollment and allotment in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Cheetaw D 743

Muskogee, Indian Territory, December 23, 1904.

James Holloway,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 22, stating the names of your parents and giving your age as about forty five, and asking about your enrollment.

In reply to your letter you are advised that you do not state whether you are a Cheetaw by blood or intermarriage or a freedman. If you are an applicant to the Commission for enrollment, state whether you claim as a citizen by blood or intermarriage of the Cheetaw Nation, or as a freedman. If you claim to be an intermarried citizen give the name of the Cheetaw wife through whom you claim your right, and any other information which would enable us to identify you upon our records. The matter will then receive further consideration.

Respectfully,

Chairman.

Choctaw D 745

Muskogee, Indian Territory, March 28, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that proof of the death of James Holloways, Choctaw card D 745, on November 9, 1900, having been furnished, the card containing his name has been cancelled. You are therefore directed to eliminate his name from the list of undetermined applicants for enrollment in the Choctaw Nation in your possession.

Respectfully,

Chairman.

Choctaw D 745

Muskogee, Indian Territory, March 28,1905.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sirs

You are hereby advised that proof of the death of James Halloways, Choctaw card D 745, on November 9, 1900, having been furnished, the card containing his name has been cancelled. You are therefore directed to eliminate his name from the lists of undetermined applicants for enrollment in the Choctaw Nation in your possession.

Respectfully,

Chairman.

Choctaw D-946

Mary Howry

D. 746

...LAW 19.

...ary Howry

REFUSED. JAN 28 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 28 1907

COPY OF DECISION FORWARDED
ATTORNEYS CHOCTAW AND
CHICKASAW NATIONS. JAN 28 1907

RECORD FORWARDED DEPARTMENT.
JAN 28 1907

ACTION ... 1907
SECRET

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS CHOCTAW AND CHICKASAW NATIONS. APR 12 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. 1907

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Mary Howry as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows to-wit;

Q What is your name? A Mary Howry.

Q How old are you? A Forty-five.

Q Where have you been living? A In the Choctaw Nation, Sugar Loaf county.

Q Have you lived here all of your life? A Yes sir; I lived in Texas one year; it has been several years ago.

Q Is that all you have ever lived out of the Territory?

A Yes sir.

Q Have you ever been enrolled on the Choctaw rolls? A I don't know whether I have since I have been ~~[illegible]~~ married or not.

Q How long have you been married? A Thirty-one years.

Q Was your husband a white man? A No, he is part Cherokee.

Q Was he enrolled as a Cherokee? A Yes sir.

Q And lived in the Cherokee Nation? A No sir, he has not lived in the Cherokee nation since we married.

Q Is he living now? A Yes sir.

Q Is he still living with you? A Yes sir.

Q He is not a white man? A He is a quarter-coon Cherokee.

Q Are your mother and father on the rolls here in the Choctaw Nation? A I guess they are.

Q Did they ever live here? A No sir, not in this part of the Territory; they have lived in the Choctaw Nation here.

Q What was your father's name? A Ellis Folsom.

Q What is your mother's name? A Margaret Krebbs.

Q Was he Choctaw? A Yes sir.

Q And she was Choctaw? A Yes sir, she was a quarteroon.

Q Was your father a full-blood Choctaw? A Pretty near full-

blood, yes sir.

Questioned by Choc. C om'r Lewis) Q Your mother was named Margaret Krebbs? A Yes sir.

Q Did she have any brothers? A Yes sir, but I don't remember them.

Q Ellis Folsom was the one that was Ward Folsom's son?

A Yes sir.

Q Did your mother die there in Sugar loaf County? A Yes sir. And my father died there in Sugar Loaf County.

-- --

Joe Nelson being sworn and examined testifies:

Q What is your name? A Joe Nelson

Q How old are you? A Forty-nine.

Q Do you know this lady? A Yes sir , I have known her for several years.

Q How long? A About seven or eight or ten years.

Q You know anything about her father and mother? A No sir, I don't. I have heard their names, but I never saw the old man before he died.

Q You don't know of your own knowledge anything about him then?

A No sir.

Choctaw Com'r G. W. Dukes, being sworn and examined, testifies

Q What is your name? A G. W. Dukes.

Q How old are you? A Forty-nine.

Q Do you know this lady? A. No sir.

Q She says her father was Ellis Folsom; did you know him?

A Yes sir.

Q How long have you known him? A I knew Ellis Folsom I guess ten or fifteen years before his death.

Q Did you know anything about his family? A I know his children.

Q You know when he married? A He married a Mountain woman

Department of the Interior,

[illegible]

Mary Henry [illegible]

on Black Fork; she lived and died there.

Q. Where are his children; are they living in the Choctaw Nation? A. Yes sir.

Q. Are they recognized Choctaws? A. Yes sir.

Q. You know all of them? A. I know Loren Folsom and Ginger [illegible] was hung in Fort Smith for murder; and I knew one of his daughters,- I don't remember her name; she married a Carolex in Indian Country.

Q. Do you know of his ever marrying any Choctaw woman? A. No sir I do not.

Simon S. Lewis, Choc. Comm., being sworn and examined, states:

Q. What is your name? A. Simon S. Lewis

Q. How old are you? A. Fifty-eight

I was personally acquainted with Eliza Folsom; his father was James Ward Folsom; he married a McCurtain; he was Supreme Judge of our Courts for seventeen years; I don't know which of the McCurtain women he married; he had got several children over there.

Q. Did you know of him marrying a Choctaw woman? A. That is all his wife I ever heard of him having. He died at McAlester himself; he was Supreme Judge when he married.

Mary Henry, re-called, states:

Q. This Eliza Folsom was your father? A. Yes sir.

Q. And he was Supreme Judge, your father was? A. Yes sir.

Q. What was your mother's name? A. Margaret Krebs.

Peter Conn S.S. Lewis, re-called, states:

Q. Did you know of his marrying Margaret Krebs? A. I knew of his having married women, but never knew of any marriage; [illegible] the place he is now. Griffin living here South [illegible]

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Howey as a citizen of the Choctaw Nation, Choctaw Field No. D-746.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw D-746.
In the matter of the enrollment
of Mary Howry as a citizen of
the Choctaw Nation.
PROTEST of
Choctaw and Chickasaw Nations.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

Choctaw D 746.

Muskogee, Indian Territory, February 10, 1904.

Mary Howey,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

7-D-746.

Muskogee, Indian Territory, October 22, 1904.

Mary Howry,

Durant, Indain Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are again advised that you must appear in person before the Commission, at Muskogee, Indian Territory, to testify relative to your intermarried status on September 25, 1902.

No action can be taken in the matter of your application for enrollment until you do so appear.

Respectfully,

(Signed) Tams Bixby,

Chairman.

7-D-746.

Muskogee, Indian Territory, November 9, 1905.

Postmaster,

Durant, Indian Territory.

Dear Sir:

On August 14, 1899, Mary Howry appeared before the Commission to the Five Civilized Tribes, at Durant, Indian Territory, and made application for enrollment as a citizen of the Choctaw Nation. Frequent letters addressed to her last known post office address at Durant, Indian Territory, have been returned unclaimed.

If you have any knowledge relative to the whereabouts of said applicant, kindly notify this office of the same at the earliest possible date. An envelope for reply is enclosed.

Respectfully,

Commissioner.

Env.

Respectfully returned with the information that this office has faild to locate the above party, they have not rec'd mail at this place for some time and left no forwarding order

Respy

11/15/05.

W. H. Hilton, P. M.

7-D-746. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in August, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation.

It further appears from the record herein that said applicant was born in about the year 1854, and is the daughter of Ellis Folsom and Margaret Kwebbs, both of whom are alleged to have been Choctaw Indians.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that the application for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 28 1907

7-D-746

COPY

Muskogee, Indian Territory, January 26, 1907.

Mary Howry,

Durant, Indian Territory.

Dear Madam:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, denying the application for your enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
7-D-746.

7-D-746

COPY

Muskogee, Indian Territory, January 26, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, denying the application for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

7-D-746.

COPY

Muskogee, Indian Territory, January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

7-D-746.

R. C. 12296-1907.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 1, 1907.

LRS.
I. T. D.
5204, 5132, 5130, 5144, 5292-1907.
5296, 5310, 5326, 5330, 5368- "
5392, 5412, 5446, 5474, 5494- "
5520, 5534, 5586, 5612, 5616- "
5660, 5574, 5620, 5624, 5630- "
5668, 5692, 5694, 5694, 5714- "
5718, 5640, 5716, 5728, 5734- "
5368-1907. M 246-1906.
[illegible].

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bennie Edmondson	January 16, 1907.
Josephine Lobon, et al.,	February 9, 1907.
Aero Allen Harvey, et al., (freedman)	February 7, 1907.
Jodie Lee Hancock,	February 6, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 5, 1907.
Esther James (freedman)	February 8, 1907.
Bolsie Butler, et al.,	February 7, 1907.
Verna Dunlap, et al.,	January 28, 1907.
Betty Prince, et al.,	June 26, 1906.
Dave Rocky, et al.,	January 29, 1907.
John Henry Sanders, et al., (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Kirkmin Parks, et al.,	January 11, 1907.
David D. Tidwell, et al.,	January 9, 1907.
A. J. Crowson, et al.,	January 29, 1907.
Alex Williams, et al. (freedmen)	February 8, 1907.

Title of Case.	Date of your letter of transmittal.
Mary Henry	January 26, 1907.
Edith Paul, et al.,	January 26, 1907.
Willie J. Walker, et al.,	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.,	January 9, 1907.
Augustus Harris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vera L. Billert	January 28, 1907.
Bennie Morris (freedman)	February 8, 1907.
Chocotomie Pearce	December 24, 1906.
Alta A. Brown, et al.,	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Newton Bond, et al.,	December 22, 1906.
Emma Maud Carrel	January 26, 1907.
Esther Ervin, et al.,	November 10, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.,	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 22, 1907.
Nettie Brown, et al.,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.
AWG.
2-1-07.

Refer in reply to the following.

COPY.

DEPARTMENT OF THE INTERIOR,

D.C. 12308-1907. OFFICE OF INDIAN AFFAIRS,
Land
10184-1907. WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Mary Howry as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes adverse to the applicant.

The record shows that an application was made to the Commission to the Five Civilized Tribes in August, 1899 for the enrollment of Mary Howry as a citizen of the Choctaw Nation. The record further shows that the applicant was born in the year 1854, and is the daughter of Ellis Folsom and Margaret Krebbs, both of whom are alleged to have been Choctaw Indians.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly appointed court or committee, or by the Commission to the Five Civilized Tribes, or by the U. S. Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321).

Therefore, by reason of the provisions of the Act of June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Dixby denying the enrollment of Mary Henry as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EEG-W.

7-D-746

Muskogee, Indian Territory, April 12, 1907.

Mary Howry,
Durant, Indian Territory.

Dear Madam:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 26, 1907, denying the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,
ACTING Commissioner.

7-D-746

Muskogee, Indian Territory, April 12, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 1, 1907, the Secretary of the Interior affirmed the decision of this office of January 26, 1907, denying the application for the enrollment of Mary Howry as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

ACTING Commissioner.

Choctaw D 746

Muskogee, Indian Territory, February 10, 1904.

Mary Howey,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-746.

Muskogee, Indian Territory, August 17, 1904.

Mary Henry,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge

T-D-744.

Muskogee, Indian Territory. October 22, 1904.

Mary Howry,

Durant, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are again advised that you must appear in person before the Commission, at Muskogee, Indian Territory, to testify relative to your intermarried status on September 28, 1902.

No action can be taken in the matter of your application for enrollment until you do so appear.

Respectfully,

Chairman.

D. C. 12308-1907. JP.
S. P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 1, 1907.

LRS.
I. T. D.
5004,5128,5130,5144,5292-1907.
5296,5310,5326,5330,5360- "
5392,5412,5446,5474,5494- "
5500,5504,5506,5512,5516- "
5550,5574,5580,5584,5586- "
5588,5592,5596,5604,5614- "
5610,5640,5616,5628,5638- "
5362-1907. 21246-1906.
DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Bennie Edmondson	January 16, 1907.
Josephine Lebum, et al.,	February 9, 1907.
Agro Allen Harvey, et al., (freedmen)	February 7, 1907.
Jodie Lee Hancock,	February 6, 1907.
James Louis Rogers, et al.,	January 28, 1907.
Porter Buckner (freedman)	February 8, 1907.
Esther James (freedman)	February 8, 1907.
Melsie Butler, et al.,	February 7, 1907.
Verna Dunlap, et al.,	January 28, 1907.
Betty Prince, et al.,	June 26, 1906.
Dave Newby, et al.,	January 29, 1907.
John Henry Sanders, et al., (freedmen)	January 26, 1907.
Lois Lucile Ray	January 9, 1907.
Birskin Parks, et al.,	January 11, 1907.
David D. Tidwell, et al.,	January 9, 1907.
A. J. Crowson, et al.,	January 25, 1907.
Ader Williams, et al. (freedmen)	February 8, 1907.

Title of Case.	Date of your letter of transmittal.
Mary Howry	January 26, 1907.
Edith Paul, et al.,	January 26, 1907.
Willie J. Walker, et al.,	January 4, 1907.
Martha McCoy (freedman)	January 31, 1907.
Thomas Virgil Bottoms, et al.,	January 9, 1907.
Augustus Burris (freedman)	February 8, 1907.
James Wilson Welch	January 28, 1907.
Vera L. Dillard	January 28, 1907.
Sammie Morris (freedman)	February 8, 1907.
Cheesteanie Pearce	December 24, 1906.
Alta A. Brown, et al.,	January 29, 1907.
William Henry Riddle	January 26, 1907.
Lula Rowton Bond, et al.,	December 22, 1906.
Manina Maud Carrol	January 28, 1907.
Ruther Ervin, et al.,	November 10, 1906.
Harrison Robison	December 24, 1906.
George Robinson, et al.,	December 24, 1906.
Carvenia Clark	November 10, 1906.
James King	January 28, 1907.
Nettie Brown, et al.,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

37 inclosures, and
74 to Ind. Of.
AFMc.
3-1-07.

945/441

COPY.

REFER IN REPLY TO THE FOLLOWING:
Land
10184-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 25, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed a record of the proceedings in the matter of the application for the enrollment of Mary Howry as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes adverse to the applicant.

The record shows that an application was made to the Commission to the Five Civilized Tribes in August, 1899 for the enrollment of Mary Howry as a citizen of the Choctaw Nation. The record further shows that the applicant was born in the year 1854, and is the daughter of Ellis Folsom and Margaret Krebbs, both of whom are alleged to have been Choctaw Indians.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly appointed court or committee, or by the Commission to the Five Civilized Tribes, or by the U. S. Court in Indian Territory, under the provisions of the Act

of Congress approved June 10, 1896 (29 Stat. L., 321).

Therefore, by reason of the provisions of the Act of June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Mary Howry as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-W

12308

Misc. E. 746

1 5504

D. 747

William G. Jordon

FOR IDENTIFICATION PLEASE
ANSWER THIS LETTER

REFERENCE # 7308.

Choctaw D-748

Pearl LaFlore

D-748

USED FEB 25 1903

OF DECISION FORWARDED
APPLICANT
FEB 25 1903

DECISION FORWARDED
ATTYS FOR CHOCTAW AND
CHICKASAW NATIONS.

FEB 25 1903

RECORD FORWARDED DEPARTMENT.

FEB 25 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
DEC 17 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

DEC 17 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC 17 1904

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of Pearl LeFlore as intermarried Choctaw.

Campbell LeFlore being sworn and examined by Com.McKennon testifies

Name is Campbell LeFlore, twenty-nine years old.

Q (Tolle) I believe you are a citizen of the Choctaw Nation by blood? A Yes sir.

Q What was your wife's maiden name? A Pearl Maynard.

Q What was her residence? A Kansas City, Missouri.

Q She a white woman? A Yes sir.

Q When did you marry her? A ~~Third~~ 30th day of March,1898.

Q At what place? A Kansas City, Missouri, Jackson County.

Q March, 1898? A Yes sir, March thirtieth.

Q Did she ever reside in the Choctaw Nation? A No sir, she wouldn't live in the Choctaw Nation with me.

Q Where is she now? A She is in Kansas City.

Q Is that her home? A Yes sir.

Q She has declared no intention of living here? A No sir, she wouldn't live here under any conditions.

Q Have you been divorced from her? A Divorced from her the 20th of last April.

Q Who obtained the divorce? A She did. I let it go by default.

Q You were served with regular notice? A Yes sir.

Q Do you know of any cause other than simply a desire not to live in this country? A No sir. No reason whatever she give me; she said that the Nation was no place for her to live, and she wouldn't live in it for all that was in it, and took up her residence afterwards in Kansas City.

Q Where did she obtain the divorce? A In Kansas City, under the laws of Missouri.

(Frank LaFlore, Campbell LaFlore witness for)

Q. Then as a matter of fact she lived in Missouri prior to her marriage and was married in Missouri and was divorced in Missouri and still holds her residence in Missouri? A. Yes sir.

Q. And has held no citizenship or residence in the Choctaw Nation? A. No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

7-B-748

L. G.D.
G.D.K.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Pearl LeFlore as a citizen by intermarriage of the Choctaw Nation.

--D E C I S I O N --

It appears from the census card records of the Commission that application was made to the Commission at its session at Spiro, Indian Territory, beginning June 12 and ending June 15, 1898, for the enrollment of Pearl LeFlore as an intermarried citizen of the Choctaw Nation.

It further appears from the evidence submitted and the records in the possession of the Commission that the applicant, Pearl LeFlore, is a non-citizen white woman and was married to Campbell LeFlore, a recognized and enrolled citizen by blood of the Choctaw Nation, on March 30, 1898, in the State of Missouri; that she has never been recognized or enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities; that she secured a divorce from her husband, Campbell LeFlore, on April 20, 1899.

It further appears from the evidence submitted that the applicant, Pearl LeFlore, was not a resident in good faith of Indian Territory on June 28, 1898, but that she was a resident of the State of Missouri on said date and never has been a resident of Indian Territory.

It is therefore the opinion of this Commission that the application for the enrollment of Pearl LeFlore as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

FEB 25 1903

COPY.

Choctaw D. 748

Muskogee, Indian Territory, February 28, 1903.

Pearl LaFlore,

Kansas City, Missouri.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying your application for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Registered.
Enc. IBS. 28.

COPY.

Choctaw D. 748.

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Pearl LaFlore, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Enc. EBS. 29.

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Pearl LeFlore for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission dated February 25, 1903, denying said application.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

2 inclosures: Choctaw D.748

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 25, 1903, the Commission rendered a decision denying the application of Pearl LaFlore for enrollment as a citizen by intermarriage of the Choctaw Nation, and on the same day forwarded the record in the case, together with the decision of the Commission therein, to the Department, and also notified the applicant and the attorneys for the Choctaw and Chickasaw Nations of the action of the Commission in denying said application.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Marly, et al., vs. Choctaw and Chickasaw Nations, No. 66 on the South McAlester Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 inclosure (C. D. 9-8-760).

DEPARTMENT OF THE INTERIOR, WCP

D.C. 45073-1904
I.T.D.5744-1903.
2808-1904.

WASHINGTON. FHE.

December 7, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On February 25, 1903, you transmitted the record in the matter of the application of Pearl LeFlore for enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date denying said application.

Reporting December 10, 1903, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

On March 14, 1904, the Acting Commissioner transmitted your report dated February 6, 1904, submitting a request of the attorneys for the Choctaw and Chickasaw Nations that departmental decision be not rendered in the matter until final decision has been made by the Choctaw-Chickasaw Citizenship Court in the case of Preston Harly, et al.

For the reasons stated in departmental letter of December 6, 1904, relative to the application of Elsey B. Lynn, the Department does not deem it advisable to longer suspend action in this case.

The Department concurs in the Commissioner's recommendation of December 10, 1903, and your decision is hereby affirmed.

Respectfully,

THOS RYAN
Acting Secretary.

1 inclosure.

(Copy)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
13, 882-1903.

Dec. 10, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Pearl LeFlore for enrollment as an intermarried citizen of the Choctaw Nation.

From the record in this case it appears that on March 30, 1898, the applicant was married to Campbell LeFlore, a citizen of the Choctaw Nation. She had never resided in the Choctaw Nation up to the date of the commission's decision and on April 20, 1898, she procured a divorce from her Choctaw husband.

The applicant never having been a resident of the Indian Territory is not entitled to enrollment as a citizen by intermarriage, and the approval of the Commission's decision of February 25 last adverse to her is recommended.

Very respectfully,

W.A.Jones,

Commissioner.

(W.A.W.)P.

COPY

Chostaw D 748

Muskogee, Indian Territory, December 17, 1904.

Pearl Leflore,

Kansas City, Missouri,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of December 7, 1904, affirmed the decision of this Commission dated February 25, 1903, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Chairman.

Tams Bixby

Chectaw D 248

COPY.

Muskogee, Indian Territory, December 19, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of December 7, 1904, affirmed the decision of this Commission dated February 25, 1903, denying the application for the enrollment of Pearl Lefiere as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
TACKETT

Tam Crixby
Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

Cased by No. 8.

DEC 19 1904

Pearl LaFlore,
Kansas City, Mo.

JAN 18 1905

General Office
Chootaw Div.

1/1

H 17 2 9 4 8

Received by Mail
Commission to the Five Cl
KANSAS CITY, MO.
P. O.

JAN 18 1905

L.D.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

2862
1717

Please have your mail addressed
where you wish it delivered.

Pearl LeFlore,
Kansas City, Missouri.

Reclaimed.
Refused to Write.

22691

Second Notice.

MEDIATED
MAR 8
TAHLEQUAH

REGISTRY DIVISION
MAR 4 1983
KANSAS CITY, MO.

749

Pat Murphy.

Transferred to Choctaw card #6000 May 1, 1906.

Checking [illegible]

Frances Crowley

Tommy Crowder

DECISION RENDERED JAN 5

REFUSED JAN 5

COPY OF DECISION FORWARDED
APPLICANT JAN 1995

COPY OF DECISION
ATTORNEY [illegible] AND [illegible]
CHICKASAW NATIONS.

NOTICE OF
FORWARDED JAN 1995

RECORD FORWARDED DEPARTMENT.
JAN 1995

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JAN

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JAN

DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY [illegible] APPLICANT

June 12. 1906. Petition for rehearing forwarded Department

July 7. 1906 Petition for rehearing denied by Dept.

Aug. 16, 1906 Notice of denial forwarded

Other Papers

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 18, 1906.

7?

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Frances Crowder.

Not represented by attorney.

Frances Crowder after being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Frances Crowder.
Q What is your age? A Forty-three.
Q What is your post office address? A Stringtown.
Q Is that in the Choctaw Nation? A Yes, sir.
Q Have you ever been enrolled by the authorities of the Choctaw Nation? A No, sir.
Q Have you ever been admitted to citizenship by any duly constituted court or by the Commission? A No, sir.
Q How do you claim your right to Choctaw citizenship? A By intermarriage.
Q What is your husband's name? A Thompson Crowder.
Q Is your husband an enrolled citizen of the Choctaw Nation? A Yes, sir.

Thompson Crowder appears upon the Choctaw Census roll of 1896 Jackson County, page 3232, enrolled as a citizen by blood of the Choctaw Nation.

Q Have you ever marriage certificate with you? A Yes, sir.

The applicant produces a certificate of A. J. Johnson, showing that on June 17, 1903, he united in marriage Tom Thompson and Mrs. Frances Baker, the same is marked exhibit A and made a part of the record herein.

Q Were you ever married before Mrs. Crowder? A Yes, sir.
Q Who was your former husband? A Richard Baker.
Q Is he living? A No, sir.
Q When died he? A Over a year ago; I think the 7th day of June.
Q Was your present husband Thompson Crowder ever married before? A Yes, sir.
Q Is his former wife still living? A Yes; I think she is.
Q Did he obtain a divorce from her? A He was single about eight years.
Q When did he separate from her? A I don't know exactly when it was (in jail)
Q Did he obtain a divorce? A I don't answer that.
Q Mrs. Crowder have you any children by this marriage? A No, sir.

Witness excused.

Thompson Crowder being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Thompson Crowder.
Q Your age? A I am about thirty-seven.
Q The records of the Commission show that your age is twenty-nine? A Well my brother enrolled me while I was sick and he made a mistake.
Q What is your post office? A Stringtown.
Q What is your father's name? A Lewis Crowder.
Q Your mother's? A Nancy Crowder.
Q Are they both recognized and enrolled citizens of the Choctaw Nation? A Yes, sir.
Q Have you ever been enrolled as a citizen of the Choctaw Nation? A Yes, sir.
Q Did you appear in person before the Commission for enrollment? A Not before the Commission; I did one time for the draw that was made, this last draw when all Indians drew $405.00 to the hand but the last time I was sick and my brother enrolled me at Durant.
Q What is the name of your present wife? A Frances Crowder.
Q Were you ever married before? A Yes; I was married before.
Q What time; what year? A It was in either ——'84, No '87.
Q How long did you live with that wife? A About two years, a little over two years.
Q You then separated from her? A Yes, sir.
Q Were you divorced? A No, sir; I never got any divorce from her simply because I investigated the matter and she lived in Texas and has ever since I separated and they told me I did not have to have any divorce because she married again.
Q What was her name? A Fannie Crowder.
Q Did she ever obtain a divorce? A Yes, sir.
Q Have you any evidence of that divorce with you? A A I have not with me.
Q Can you obtain such evidence? A Yes, sir.

It will be necessary for you to obtain evidence of that divorce and send it in to the Commission.

Q A I can do that when I get back home; I can send it in to you.
Q You were never married except to these two women? A These two.
Q You are now living with your present wife Frances Crowder? A Yes, sir.

Witness excused.....

Frances Crowder, recalled, testifies as follows:

Q What is your father's name? A James Wicks.
Q What is your mother's name? A Phoebe Wicks.
Q Were they both non-citizens of the Choctaw Nation? A They were no citizens.

[illegible] over your application for enrollment in my tribe of Indians. A [illegible]

[illegible] for enrollment as an Indian in [illegible] tribe of Indians. A [illegible]

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission of the Five Civilized Tribes he [illegible] in full all the proceedings had in the above entitled [illegible] on July 16, 1902, and that the above and foregoing is a true and correct transcript of the stenographic notes taken by him on said date of July 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 16 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Form No. 593.

750

No. 455.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, :
THE INDIAN TERRITORY, : ss:
CENTRAL DISTRICT. :

To any person authorized by law to solemnize marriage,

GREETING:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. Tom Crowder of Stringtown in the Indian Territory, aged 37 years, and Mrs. Francis Snow of Stringtown, in the Indian Territory, aged 30 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 14 day of June, A.D. 1902.

(Signed) R.J. Fannin,
Clerk of the United States Court.

Jos. R. Foltz, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, :
The Indian Territory, : ss;
.....District. :

I, A.N. Johnson, a minister of the gospel, do hereby certify, that on the 17 day of June, A.D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 17 day of June, A.D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Northern District, Book A, Page 41 & 42.

(Signed) A.B. Johnson,
a Minister of the Gospel.

Note: This license and certificate of marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.00).

Endorsed: No. 455. Certificate of Record of Marriage.

United States of America,
Indian Territory. } set:
....District.

I, E.J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby certify that the license for and certificate of the marriage of Mr. Tom Crowder and Mrs. Francis Snow was filed in my office in said Territory and District the 5 day of July, 1902 A.D. and duly recorded in Book 1 of Marriage Record, Page 228.

Witness my hand and seal of said Court, at Antlers, this 8 day of July, A.D. 1902.

(Signed) E.J. Fannin, Clerk.
By Jas. R. Foltz, Deputy.

Also endorsed: Ex. "A".

FILED JUL. 15 1902, Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory August 26, 1904.

In the matter of the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

A. H. Pugerson attorney for applicant.

Frances Crowder being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Frances Crowder.
Q What is your age? A Twenty-five.
Q What is your post office address? A Jackson.
Q Do you claim rights as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of the Choctaw Indian through whom you claim those rights? A Thompson Crowder.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.

Thompson Crowder husband of the applicant is identified on Choctaw card #3650 and is numbered 10069 upon the lists prepared by this Commission and approved by the Secretary of the Interior February 4, 1903.

Q What was your maiden name? A Maxwell.
Q Were you ever married before you were married to Mr. Crowder ? A No, sir.
Q Was he ever married before that? A Yes, sir, I think he was.
Q What was the name of his former wife? A I don't know.
Q Of what nation were you a resident at the time of your marriage? A Choctaw.
Q Of what nation was your husband a resident of at the time of your marriage? A Same, Choctaw Nation.
Q Have you ever appeared before the Commission before? A Yes, sir.
Q When were you married to Mr. Crowder? A 1894.

Examination by attorney:

Q What was your father's name Mrs. Crowder? A John.
Q What is his full name? A John Joseph Maxwell.
Q What was your mother's name? A Emma Maxwell.
Q Do you know James Wicks? A No, sir.
Q When did your husband leave you? A 1893.
Q How come him to leave you? A Because he takes some bags and they takes him to the pen.
Q You were married according to the laws of the Choctaw Nation were you? A Yes, sir.

Q Have you ever been enrolled by any Commission? A Yes, sir.
Q When? A It has been about eight years ago.
Q Where did you make your application? A At Red Fork -Bennington.

Examination by the Commission:

Q How long did you live with Thompson Crowder from the time of your marriage? A Year.
Q Just one year? A Yes, sir.
Q And you were separated at the end of that time because he was sent to the penitentiary? A Yes, sir.
Q You didn't leave him and he didn't leave you? A No, sir.
Q Did you get a divorce from him? A No, sir.
Q Q Did he get a divorce from you? A No, sir.
Q You are still the wife of Thompson Crowder? A Yes, sir.
Q Is he still in the penitentiary? A No, sir.
Q Are you living with him as his wife? A No, sir.
Q Have you lived with him since he was sent to the penitentiary?
A Nosir.
Q

It will be necessary for you to file with the Commission in the matter of your application for enrollment a certified copy of the decree of divorce between Thompson Crowder and his former wife.
Q Were you admitted by the Commission in 1896 as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q Was there any appeal taken from that decision? A I don't know.

Examination by attorney:

Q Did you receive any certificate or anything that you were admitted
A Yes, sir.
Q Where is it? A I don't know didn't take any care of it.

Examination by the Commission:

Q Was Thompson Crowder married more than once before he was married to you? A No, sir.
Q Just once? A Yes, sir.
Q Was his former wife living at the time of his marriage to you?
A I don't know.
Q You say you made application to the Commission in 1896? A Yes, sir.
Q What was done with that application? A Admitted.
Q Are you sure about that? A Yes, sir.

It appears from the records of the Commission that [redacted] Frances Crowder, age 17, made application to the Commission in 1896 for admission to citizenship in the Choctaw Nation as a citizen by intermarriage claiming her right thereto by virtue of her marriage with Thompson Crowder, and that she was denied admission to citizenship, from which decision of the Commission no appeal was taken.

Examination by attorney:

Q Did you have any evidence of whether you were denied or admitted?
A Yes, sir, I was at my uncle's when I got it but he is dead.

Examination by the Commission:

Q Did you ever appear before the Commission except in 1896 - did you ever make any application to the Commission after 1896? A I appeared three times.

By attorney:

Q Did you make application by mail from Jackson one time? A Yes, sir.

By Commission:

From the time of your marriage to Thompson Crowder in 1894 did you continue to reside in the Choctaw-Chickasaw country up to and including September 25, 1902? A Yes, sir.
Q Made your home in the Choctaw-Chickasaw country from the time of that marriage up to and including September 25, 1902? A Yes, sir.
Q When were you in Texas? A Last year.
Q Were you ever in Texas before last year? A Yes, sir, just on a visit.
Q Never made your home there? A No, sir.

Witness excused.

It does not appear from the records of the Commission that any application has ever been made for Frances Crowder, nee Maxwell, subsequent to the original application in 1896, which application was rejected.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 27th day of August 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Tishomingo, I. T., September 8, 1904.

7 D - 790

-----XX-----

In the matter of the Application for Enrollment of
FRANCES CROWDER
As a citizen by intermarriage of the Choctaw Nation.

FRANCES CROWDER, having been first duly sworn by Chairman Bixby, testified as follows:-

Examination by the Commission.

Q What is your name ? A Frances Crowder.
Q How old are you ? A I will be forty-three my birth-day.
Q Are you not a little older than that ? A No sir.
Q Did you not testify before the Commission two years ago at Muskogee that you were forty-three ? A No sir; I was born in '62.
Q What is your postoffice address ? A Fort Towson.
Q In the Choctaw Nation ? A Yes sir.
Q What was your maiden name ? A Frances Wiggs.
Q What was your father's name ? A James Wiggs.
Q What was your mother's name ? A Phoebe Wiggs.
Q Are your father and mother living ? A No sir.
Q Are they both dead ? A Yes sir.
Q Were they white persons ? A Yes sir.
Q Citizens of the United States ? A Yes sir.
Q What is the name of your Choctaw husband ? A Thompson Crowder.

The applicant's husband is identified on the records of the Commission on Choctaw Roll Card 3550, and on the final roll of citizens by blood of the Choctaw Nation as approved by the Secretary of the Interior opposite No.10999.

Q When were you married to Thompson Crowder ? A June 17, 1902.
Q Were you ever married before that ? A Yes sir.
Q How many times ? A Once.
Q To whom ? A Richard Snow.
Q Was he a white man ? A Yes sir.
Q Were you ever married to Thompson Crowder prior to your marriage to him on June 14, 1902 ? A I was married to him on June 17, 1902.
Q Were you at any time prior to that ever married to him ? A No sir.
Q Did you ever live with him before that ? A No sir.
Q When did you first meet him ? A About a year before we was married, I reckon.
Q Where were you living at that time ? A I was living at Stringtown.
Q How long had you been living at Stringtown ? A About nine years.
Q Where had Tom Crowder been living ? A He was living there for some time, near a year.
Q Have you lived with him continuously since your marriage to him

in June, 1902 ? A No sir.
Q Has there been any separation ? A No sir.
Q You are now living together as husband and wife ? A Yes sir.
Q That marriage in 1902 was under a United States license, was it not--you didn't get a tribal license to marry ? A No sir.
Q You are both living in the Choctaw Nation and have been for ten years ? A Yes sir.
Q Have you any children by Thompson Crowder ? A None alive.

THOMPSON CROWDER.

Thompson Crowder, having been first duly sworn by Chairman Bixby, testified as follows:-

Q What is your name ? A Thompson Crowder.
Q How old are you ? A I am about 38, I guess; I was born in '66.
Q What is your postoffice address ? A Fort Towson.
Q How long have you lived in the Choctaw Nation ? A I was born there in the Choctaw Nation.
Q You never made your home ever in the Chickasaw country ? A No sir.
Q This woman Frances Crowder is your present wife ? A Yes sir.
Q She was married to you on what date ? A I couldn't say what date, I disremember.- It was June 17, 1902.
Q You have been married to her over two years ? A Yes sir.
Q Were you ever married to this woman prior to the time you were married to her in June, 1902 ? A No sir.
Q Did you ever have another wife named Frances Crowder ? A No sir, I had a wife named Fannie Crowder, my first wife.
Q On the 26th of August, 1904, at the office of the Commission at Muskogee, a woman purporting to be your wife who gave her name as Frances Crowder, twenty-five years of age, appeared before the Commission and claimed she had been married to you and that she was the Frances Crowder who had applied to the Commission for enrollment. A Her name isn't Frances Crowder; her name is Fannie Crowder.
Q What was her maiden name ? A Fannie Maxwell.
Q How many times were you married prior to your marriage to your present wife Frances Crowder ? A I wasn't married to her but once. I only married once before I married Frances Crowder.
Q When did you marry this first Frances or Fannie Crowder ? A It was in '92, I think.
Q How long did you live with her ? A I lived with her about eleven months.
Q Then what happened ? A A separation.
Q What was the cause of the separation ? A I don't really know hardly what to say about that. She thought more of her people, I suppose, than she did of me; she left home while I was gone.
Q Were you not sent to the penitentiary about a year after your marriage to her ? A No, it was longer than a year.
Q Had she separated before that ? A Yes sir, she had separated before that.
Q Did you get a divorce from her ? A No sir, I was told she had a divorce.
Q You have never known anything about that divorce from your first wife, have you ? A Her uncle told me himself she had got a divorce and was married, and I never saw or heard of her after the separation until you mentioned her.

Q You never knew that she got a divorce ? A I never knew whether she did or didn't; I never knew what become of her, never could find out. When her uncle told me about it he said she was in the Cheyenne Nation.

Q Before you married your present wife did you take steps to find out what had become of her ? A I tried to find out, yes sir, but I couldn't find out where she was nor nothing about it. I even wrote to Texas to her people but never got an answer.

Q This woman, your first wife, claims she is still your lawful wife and that she has never had a divorce from you ? A I don't know, I couldn'tsay. I have never seen the woman since we and her separated; that was about eleven months after we were married. She went to Texas right after we separated; her people live in Texas, and after I came home after my trouble her uncle told me she went to the Cheyenne Nation and I never was able to hear of that woman any more. That was the last time I ever heard of her until now. She wasn't living in the Choctaw or Chickasaw Nation all the time because if she had I would have known something about it.

Q How long were you in the penitentiary ? A Two years.

Q You went to the penitentiary about 1896, was it not ? A Yes, '95.

Q You say you were there two years ? A There till '96 I think.

Q Where did you leave this first wife of yours ? A Right in Blue County.

Q Left her at your home ? A She left my home herself; I never left until she left home.

Q You never attempted to secure any divorce from her ? A I tried to find out about her.

Q Did you ever bring a suit for divorce ? A No, I didn't. I talked about it and I couldn't find out anything about it and didn't do it. That was about four years ago. He never could find out where she was at.

FRANCES CROWDER (Recalled).

Frances Crowder, recalled, testified as follows:

Q Mrs Crowder, did you ever hear about this other wife of your husband's ? A His brother told me he had been married before and they had tried to find out where she was and couldn't hear from her folks they had written letters to. His brother told me also that her uncle said she had went to the Cheyenne country and had got a divorce.

Q You never saw any decree of divorce, did you ? A No sir.

W J Jones on oath states that he reported the testimony taken in the matter of the application for enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation, at the Chickasaw Land Office, Tishomingo, I.T., on September 8, 1904, and that the foregoing is a true and correct transcript of his stenographic notes taken in said matter at said time and place.

W J Jones

Subscribed and sworn to before me this the 10 day of September, 1904.

[illegible]
Notary Public.

7-D-750.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on July 15, 1902, Frances Crowder (forty-three years of age) made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming her right to such enrollment by reason of her marriage, on June 17, 1902, to Thompson Crowder, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 10069 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that at the time of said alleged marriage both persons above mentioned were residents in good faith of the Choctaw Nation, that they lived together in said nation from the date of said marriage up to and including September 25, 1902.

It further appears from the record herein that the said Thompson Crowder was in the year 1894 lawfully married to one Frances (or Fannie) Crowder, then fifteen years of age, with whom he lived for about eleven months when they separated. From his testimony it appears that he has never obtained any divorce from her.

It further appears that on August 26, 1904, the Frances Crowder, last above referred to, appeared before the Commission and under oath testified that she was at that time twenty-five years of age; that she was married to said Thompson Crowder in 1894, and that she had never secured a divorce from him and was still his wife.

It is, therefore, the opinion of this Commission that the application of Frances Crowder, made to this Commission on July 15, 1902, for enrollment as a citizen by intermarriage of

[illegible]

-2-

the Choctaw Nation should be denied under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JAN 2 1905

7-D-750

COPY.

Muskogee, Indian Territory, January 3, 1905.

Frances Crowder,

Jackson, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 2, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the record in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

COMMISS.

Tams Bixby

Chairman.

Registered.

Incl. 7-D-750.

7-D-780

COPY.

Muskogee, Indian Territory, January 3, 1906.

Ferguson & Richardson,

Attorneys at Law,

Durant, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 2, 1906, rendered its decision denying the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the record in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ENGNEDA.

Tams Bixby

Chairman.

Registered.

7-D-750.

COPY.

Muskogee, Indian Territory, January 3, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 2, 1905, denying the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the record in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,
(SIGNED).

Tams Bixby

Chairman.

Incl. 7-D-750.

COPY.

Muskogee, Indian Territory, January 8, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record in the matter of the application of Frances Crozier for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission of January 8, 1906, denying said application.

Respectfully,

Tams Bixby

Chairman.

Through the

Commissioner of Indian Affairs.

2 Incl. 1-Def'90.

7-2-750

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON Jan. 13, 1905.

Land.
1387-1905.

The Honorable,

The Secretary of the Interior

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated January 3, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Frances Crowder,

January 9, 1905, the Commission decided adversely to the applicant.

The record shows that on July 15, 1902, Frances Crowder, forty-three years of age, made application for enrollment as a citizen by intermarriage, by reason of her marriage on June 17, 1902, to Thompson Crowder, a recognized and enrolled citizen by blood of the Choctaw Nation and whose name appears at No. 10069 on a list approved by the Department February 4, 1903: that at the time of said marriage both were residents in good faith of the Choctaw Nation and lived together up to and including September 25, 1902.

It further appears from the record that the said Thompson Crowder was in the year 1894, lawfully married to one Frances (or Fannie) Crowder, then fifteen years of age, with

B--

when he lived for about eleven month, when they separated. It is also shown that there has been no divorce obtained.

In view of the record the approval of the Commission's decision adverse to the applicant, is recommended.

Very Respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M.
W.

G.R.

DEPARTMENT OF THE INTERIOR

LLB

D. C. 3440-1905 WASHINGTON January 27, 1905.
I.T.D. 390-1905.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

January 3, 1905, you transmitted the record in the matter of the application of Frances Crowder for enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of January 2, 1905, denying said application.

January 13, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision adverse to the applicant be affirmed. Copy of said letter is herewith inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

Choctaw R 730

COPY.

Muskogee, Indian Territory, January 27, 1906.

Frances Crowder,

Jackson, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 17, 1906, affirmed the decision of this Commission dated January 2, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby
Chairman.

Choctaw R 780

COPY.

Muskogee, Indian Territory, January 27, 1905.

Ferguson & Richardson,

Attorneys at Law,

Durant, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 17, 1905, affirmed the decision of this Commission dated January 2, 1905, denying the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Choctaw D 980

COPY.

Muskogee, Indian Territory, January 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 17, 1905, affirmed the decision of this Commission dated January 2, 1905, denying the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

[redacted]

Tams Bixby

Chairman.

To the Hon. Secretary of the Interior,

Via Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the Matter of the Enrollment of Frances Crowder as an Intermarried Citizen of the Choctaw Nation.

PETITION FOR RE-HEARING.

Your petitioner, Frances Crowder, of Fort Towson, Indian Territory, for cause of action and motion for reopening and rehearing upon her application says:

1st: That in the month of June, 1902, that she was married according to the United States law to Thompson Crowder, a duly enrolled Choctaw Indian by blood. That the ceremony was performed by J. B. Johnson, a duly ordained minister, in the month of June, 1902, That in the month of July, 1902, your applicant petitioned the Commission to the FiveCivilized Tribes for enrollment as an intermarried citizen of the Choctaw Nation and introduced testimony in her behalf before said Commission, both the testimony of herself and that of her husband, Thompson Crowder, which evidence is a matter of record now on file with the Commissioner to the Five Civilized Tribes.

2nd: Your petitioner further says that she has never received any notification by the Commissioner of an adverse decision to her application nor has she received any notice advising her that an adverse decision had been confirmed by the Secretary of the Interior.

3rd: Your petitioner further says that her marriage license to Thompson Crowder is now on file with the Commissioner to the Five Civilized Tribes, having been filed with the Commission at the date of her hearing in July, 1902.

5th: Your petitioner further says that this motion in her behalf is made for a rehearing in the event that an adverse decision in her behalf has been rendered against her of which she has received no notification and this petition is rendered in her behalf to the Commissioner to the Five Civilized Tribes for enrollment as a Choctaw citizen by intermarriage in the event no decision has been rendered by the Commissioner.

6th: Your petitioner says that she sincerely believes that she is entitled to enrollment as an intermarried citizen of the Choctaw Nation, having resided within the Indian Territory constantly since her marriage and prior thereto because of the fact she made applicatio as such in July, 1902, having been married to a Choctaw Indian duly enrolled as such in June, 1902.

Wherefore, your petitioner prays that she be enrolledas a Choctaw Indian by intermarriage duly entitled to all the privileges of a citizen of the tribe and if an adverse decision had been rendered against her of which she has not been advised that she be given a rehearing upon the same and allowed to introduce testimony in accordance with the facts herein set forth and will ever pray.

Robt E Lee
Atty. for Petitioner.

I, Frances Crowder, being first duly sworn state on oath that the facts as set forth above are true and correct as I verily believe.

Frances Crowder

Subscribed and sworn to before me on this the 2nd day of June, 1906.

Leland P Spriggs
Notary Public

My commission expires Mar 19th 1910

Ardmore, Indian Territory,

Southern District.

I, Thompson Crowder, being first duly sworn state on oath that I am the husband of Frances Crowder, was married to her in June, 1902, that both of us have resided within the Choctaw Nation since our marriage and that our post office address is now Fort Towson, Indian Territory. That prior to July 8, 1902, in behalf of my wife, Frances Crowder, I made application for the said Frances Crowder by letter to be enrolled as a Choctaw Indian by intermarriage, which application is evidenced and acknowledged by the Commission by letter dated at Muskogee, Indian Territlry, July 8th, 1902, addressed to me in behalf of my wife, Frances Crowder, and signed "Tams Bixby, Acting Chairman." That in the month of July, 1902, Frances Crowder in person appeared before the Commission to the Five Civilized Tribes and made application in her own behalf as a citizen of the Choctaw Nation by intermarriage and that testimony in her own behalf was heard by the Commission, the testimony of the said Frances Crowder and of Thompson Crowder being taken at the time and is now a matter of record. That no adverse decision to the application of my wife, Frances Crowder, has reached my knowledge or has been received by my wife so far as I am apprised of. I am a Choctaw Indian by blood, duly enrolled as such and have taken my allotment near Fort Towson, Choctaw Nation, Indian Territory. We were married, the applicant and myself, at the home of Rev. J. B. Johnson in the presence of his family in June of 1902. I cannot give the names of the different members of Rev. Johnson's family. In company with my wife, Frances Crowder, and in her behalf at the time of introducing testimony in person before the Commission to the Five Civilized Tribes at Muskogee the certificate of marriage of myself to Frances Crowder was filed with the Commission in July, 1902.

Thompson his X mark Crowder

Witness to mark:
Robert E. Lee
Ola Halloway

(SEAL)
Subscribed and sworn to before me on this the 21 day of May, 1906.

Ola Halloway
Notary Public.

My Commission expires Jan. 17 1908

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

9061 JUN 11

Commissioner.

Muskogee, Indian Territory, June 12, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

January 2, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Frances Crowder for enrollment as a citizen by intermarriage of the Choctaw Nation, and on January 3, 1905, the record in the case, together with the decision of said Commission, was transmitted to the Secretary of the Interior.

January 17, 1905, (I T D 390-1905) the Secretary of the Interior affirmed this decision. I now have the honor to transmit herewith, for consideration in connection with this case, Petition for Rehearing in this case, which was submitted by Robert E. Lee, Attorney at Law, of Ardmore, Indian Territory.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Choctaw D 750

C.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

July 7, 1906.

I.T.D. 390-1905.
11226-1906.
D. C. 29331

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 12, 1906, you transmitted petition for rehearing in the matter of the application of Frances Crowder for her enrollment as a citizen by intermarriage of the Choctaw Nation, wherein the Department on January 17, 1905 (I.T.D.390), affirmed the decision of the Commission to the Five Civilized Tribes of January 2, 1905, denying said application, on the ground that the said Thompson Crowder, the alleged husband of applicant, was in the year 1894 lawfully married to one Fannie Crowder, then 15 years of age, with whom he lived for about 11 months, when they separated, and from his own testimony and that of his first wife, Fannie Crowder, it appears that he has never obtained any divorce from his first wife.

Said petition for a rehearing does not set up any facts to refute the above finding, and as the record still shows that the applicant claims to have been married to Thompson Crowder, who had a living undivorced wife at the time of her alleged marriage

to him, said second marriage to the applicant was null and void, and said petition for rehearing is hereby denied.

You are requested to advise the moving party, Frances Grow-der, at Towson, Ind. T., of this action, as she claims that she has never yet received notice of decision in her case.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

7-D-750

Muskogee, Indian Territory, August 16, 1906.

COPY.

Frances Crowder,

Ft. Towson, Indian Territory,

Dear Madam:

You are hereby notified that on July 7, 1906, the Secretary of the Interior denied the petition for a rehearing in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

7-D-750

Muskogee, Indian Territory, August 16, 1906.

COPY.

Robert E. Lee,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on July 7, 1906, the Secretary of the Interior denied the petition for a rehearing in the matter of the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith copy of Departmental letter of July 7, 1906, denying said petition.

Respectfully,

Commissioner.

LM
2/16

7-D-750

Muskogee, Indian Territory, August 16, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on July 7, 1906, the Secretary of the Interior denied the petition for a rehearing in the matter of the application for the enrollment of Frances Crowder as a citizen by intermarriage of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of July 7, 1906, denying said petition.

Respectfully,

LM 3/16

Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cheetaw-b-720

ADDRESS ALL PAPERS TO THE COMMISSION

Muskogee, Indian Territory, February 27, 1903.

Frances Crowder,

Stringtown, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D 750

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 15, 1904.

W. S. Slayton,

Bennington, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 9, asking the status of the enrollment of Mrs. Fannie Crowder as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Frances Crowder, forty-three years of age, wife of Thompson Crowder is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation and before further consideration can be given her application it will be necessary for her to appear before the Commission for the purpose of testifying relative to her intermarried status on September 25, 1902. She may appear for this purpose at the office of the Commission in Muskogee, Indian Territory, at any time, or at the land office of the Commission at Atoka, Indian Territory , September 6 and 7, 1904, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

Chairman.

9-3720

Muskogee, Indian Territory, August 10, 1904.

Ferguson & Richardson,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen :-

Receipt is hereby acknowledged of your letter of the [illegible] inst., requesting to be advised whether or not the Commission will hear the testimony of Fannie Crowder relative to her inter-married status on September 25, 1902, upon her appearance at the office of the Commission, in Muskogee, Indian Territory, on August 12, 1904.

You are advised that if Fannie Crowder desires to appear before the Commission upon the date mentioned she will be heard in the matter referred to.

Respectfully,

Commissioner in Charge.

1-2-150.

Muskogee, Indian Territory, August 17, 1904.

Frances Crowder,

Stringtown, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

T-S-780

Muskogee, Indian Territory, May 20, 1905.

Williams & Utterback,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 12, 1905, stating that you can furnish testimony of several witnesses to the marriage of Thompson Crowder and Fannie Crowder, and asking if the Commission will hear further testimony in this case.

In reply to your letter you are advised that on January 2, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Frances Crowder for enrollment as an intermarried citizen of the Choctaw Nation and on January 17, 1905, the Secretary of the Interior affirmed this decision. The Commission therefore considers this case closed.

Respectfully,

Chairman.

7-D-750

Muskogee, Indian Territory, January 25, 1906.

Thompson Crowder,

Fort Towson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 13, 1906, in which you ask how to obtain the allotment for your deceased father who died December 18, 1902; you also inquire concerning the enrollment of your wife Frances Crowder.

In reply to your letter you are advised that on January 2, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Frances Crowder for enrollment as an intermarried citizen of the Choctaw Nation and on January 3, 1905, the record in this case, together with said decision was forwarded the Secretary of the Interior. On January 17, 1905, this action was approved by the Secretary of the Interior and the case is therefore considered closed.

The matter of the selection of an allotment for your father Louie Crowder will be made the subject of a separate communication.

Respectfully,

Acting Commissioner.

Choctaw D 750.

Muskogee, Indian Territory, June 12, 1906.

Robert E. Lee,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, inclosing Petition for Rehearing in the matter of the application of Frances Crowder for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that on January 2, 1905, the Commissioner to the Five Civilized Tribes rendered its decision refusing the application of Frances Crowder for enrollment as an intermarried citizen of the Choctaw Nation and on January 17, 1905, the Secretary of the Interior affirmed this decision. Notice of the action of the Commission was forwarded applicant January 3, 1905, and notice of Departmental action was forwarded January 27, 1905.

The petition for rehearing inclosed with your letter has this day been transmitted to the Secretary of the Interior and you will be notified of Departmental action thereon.

The other matters referred to in your letter of June 4, will be made the subject of a separate communication.

Respectfully,

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

July 7, 1906.

I.T.D. 390-1905.
11226-1906.
D. C. 29331

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 12, 1906, you transmitted petition for rehearing in the matter of the application of Frances Crowder for her enrollment as a citizen by intermarriage of the Choctaw Nation, wherein the Department on January 17, 1905 (I.T.D.390), affirmed the decision of the Commission to the Five Civilized Tribes of January 2, 1905, denying said application, on the ground that the said Thompson Crowder, the alleged husband of applicant, was in the year 1894 lawfully married to one Fannie Crowder, then 15 years of age, with whom he lived for about 11 months, when they separated, and from his own testimony and that of his first wife, Fannie Crowder, it appears that he has never obtained any divorce from his first wife.

Said petition for a rehearing does not set up any facts to refute the above finding, and as the record still shows that the applicant claims to have been married to Thompson Crowder, who had a living undivorced wife at the time of her alleged marriage

to him, said second marriage to the applicant was null and void, and said petition for rehearing is hereby denied.

You are requested to advise the moving party, Frances Crowder, at Towson, Ind. T., of this action, as she claims that she has never yet received notice of decision in her case.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

A

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

July 7, 1906.

I.T.D. 390-1905.
11226-1906.
D. C. 29331

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 12, 1906, you transmitted petition for rehearing in the matter of the application of Frances Crowder for her enrollment as a citizen by intermarriage of the Choctaw Nation, wherein the Department on January 17, 1905 (I.T.D.390), affirmed the decision of the Commission to the Five Civilized Tribes of January 2, 1905, denying said application, on the ground that the said Thompson Crowder, the alleged husband of applicant, was in the year 1894 lawfully married to one Fannie Crowder, then 15 years of age, with whom he lived for about 11 months, when they separated, and from his own testimony and that of his first wife, Fannie Crowder, it appears that he has never obtained any divorce from his first wife.

Said petition for a rehearing does not set up any facts to refute the above finding, and as the record still shows that the applicant claims to have been married to Thompson Crowder, who had a living undivorced wife at the time of her alleged marriage

to him, said second marriage to the applicant was null and void, and said petition for rehearing is hereby denied.

You are requested to advise the moving party, Frances Crowder, at Towson, Ind. T., of this action, as she claims that she has never yet received notice of decision in her case.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Muskogee, Indian Territory, April 19, 1906.

Jesse M. Hatchett,

Mead, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 13, 1906, asking the status of the citizenship case of Fannie Crowder first wife of Thompson Crowder of Fort Towson, Indian Territory, and whose present wife is also named Fannie Crowder.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by or on behalf of Fannie Crowder, first wife of Thompson Crowder, for enrollment as an intermarried citizen of the Choctaw Nation and under existing legislation there is no provision for the reception of original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

7-750

Muskogee, Indian Territory, January 30, 1907.

Frances Crowder,

Bennington, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 2, asking if you can appear before the field party in the matter of your enrollment as a citizen by intermarriage of the Choctaw Nation.

In reply you are advised that if you desire to present testimony relative to a claim to enrollment as a citizen by intermarriage of the Choctaw Nation it will be necessary for you to appear in person at this office immediately.

Respectfully,

Commissioner.

tment of the Interior.
...ion to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Returned to writer

10162
10041

Could not call born.

MAR 16 1905

JACKSON
MAR
14
A.M.
1905
IND. T.

2

REGISTERED
MAR 5 1905
MUSKOGEE, IND. TER.

~~Frances Crowder,~~

~~Jackson, Indian Territory.~~

D 731

G. R. Perse.

Record transferred to
Choctaw card * D 731

Choctaw D. 752

Mary E. Riddle

Dismissed

Feb. 1, 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen of the Choctaw Nation of . . . . . .

MARY E. RIDDLE.....7-D-752.

Commission to the Five Civilized Tribes,

Atoka, Ind. Ter., Aug. 28, '99.

In the enrollment of Mary E. Riddle as a Choctaw; ~~being~~ Julius C. Folsom being sworn and examined by Com'r McKennon states:

Q What is your name? A Julius C. Folsom.

Q How old are you? A Sixty-nine.

Q Do you know Joseph Moore? A I did.

Q Do you know his wife Mary? A I knew his wife.

Q He was a Choctaw citizen? A He was a Choctaw.

Q She was a white woman? A She was a white woman.

Q Did you know whether or not they lived together as husband and wife? A Yes sir, they lived together as husband and wife until she died.

Q And were so held in the neighborhood where they lived?

A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that I am a stenographer in the employ of this Commission, and that this transcript is a true and correct translation of my stenographic notes.

M D Green

Choctaw I-752.

In the matter of the enrollment
of Mary L. Middle as a citizen
of the Choctaw Nation.

MOTION of
Choctaw and Chickasaw Attorney

[illegible] INTERIOR,
[illegible] FIVE CIVILIZED TRIBES.
FILED
FEB 6 [illegible]
[illegible] Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary E. Riddle as a citizen of the Choctaw Nation, Choctaw Field No. D-752.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

40.08.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENTHAL,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D 752

Muskogee, Indian Territory, February 10, 1904.

Mary E. Riddle,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

General Office Choctaw Div.

Advising that no further action will be taken in re enrollment until further advised by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 30 1904

RETURNED TO WRITER. UNCLAIMED. INSUFF. ADDR.

Warner, Riddle & Indian Territory.

MUSKOGEE, IND. T. FEB 11 5 PM 1904

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter.
OFFICIAL BUSINESS.
Penalty for private use, $300.

72752

VB-762

Muskogee, Indian Territory, November 9, 1906.

Julius C. Folsom,

Atoka, Indian Territory.

Dear Sir:

On August 28, 1899, Mary E. Riddle appeared before the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, and made application for enrollment as a citizen by blood of the Choctaw Nation.

Frequent letters addressed to her at her last know post office address at Atoka, Indian Territory, have been returned unclaimed. Inasmuch as you testified in her behalf at Atoka, in 1899, you doubtless knew of her present whereabouts and if so kindly notify this office of the same, at the earliest possible date. Envelope for reply is enclosed.

Respectfully,

Commissioner.

Env.

7-D-752

Commissioner to the five Civilized Tribes,
Muskogee, I. T.

Sir:

In answer to your question to me about Mary E. Riddle a citizen by blood who appeared before the Commission and made application for enrollment in August 1899.
All I can say is that a great many changes has been made since the alloting of lands to different families, location and post office has been changed.

Therefore I now not the Post office address of Mary E. Riddle.

Respectfully yours,

J. C. Folsom

Atoka, I. T.
Novb. 13th 1905.

7-D-752. O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary E. Riddle as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on August 28, 1899, application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, for the enrollment of Mary E. Riddle as a citizen of the Choctaw Nation.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of prominent Choctaw and Chickasaw citizens of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant, but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of Mary E. Riddle as a citizen of the Choctaw Nation should be dismissed, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

FEB 1 - 1907

7-D-752.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Bentz, Indian Territory, March 7,1906.

--oOo--

In the matter of the application for the enrollment of Mary E. Riddle as a citizen of the Choctaw Nation.

--oOo--

Dolphus A. Riddle, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Dolphus A. Riddle.
Q How old are you? A I am 46.
Q What is your post office address? A Bentz, Indian Territory.
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Do you know Mary E. Riddle? A Yes, sir.
Q Is she any relation to you? A Yes, sir; first cousin.
Q What was her maiden name? A Mary E. Gardner
Q What was her father's name? A I always called him Green Gardner. G. W. is the way he signed.
Q What is her mother's name? A Arabella Gardner.
Q Is Mary E. Riddle a citizen by blood of the Choctaw Nation? A Yes, sir.
Q What is her blood? A Expect about half blood.
Q Has she been finally enrolled and selected an allotment as a citizen? A That is my understanding.
Q About how old is Mary E. Riddle? A I expect she is somewhere about thirty. Her father raised me.
Q What is her husband's name? A Toomer Riddle.
Q Is he a Choctaw citizen? A No, sir; at least he is on the Court citizen roll and I understood he was knocked out.
Q Was Mary E. Riddle married more than once? A The only time.
Q About how long ago was it that she married Toomer Riddle? A In the neighborhood of ten years--I don't remember exactly.
Q Do you know where Mary E. Riddle applied to the Commission for enrollment at what place? A No, sir.
Q What is her post office address at the present time? A Bokchito.

Witness excused.

Robert E. Grumert, stenographer to the Commission to the Five Civilized Tribes, on oath stated that he reported all the proceedings had in the above entitled case at Bentz, Indian Territory, on March 7, 1906, and that the foregoing is a full, true and correct transcript of his stenographic notes.

Robert E. Grumert

Subscribed and sworn to before me this 10th day of March, 1906.

Myron White
Notary Public.

Choctaw D 782

Muskogee, Indian Territory, February 10, 1904.

Mary E. Riddle,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-752.

Muskogee, Indian Territory, August 17, 1904.

Mary E. Riddle,

Atoka, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Examination to the Dawes Commission of Choctaw

Freedmen, Ind. Ter. Aug. 20, 1896.

In the enrollment of Mary E. Brooks as a Choctaw, being Julius G. Folsom being sworn and examined by Doctor Hagenmeier states

Q What is your name? A. Julius G. Folsom.

Q How old are you? A. Twenty-nine.

Q Do you know Joseph Brooks? A. I did.

Q Do you know his wife Mary? A. I knew his wife.

Q He was a Choctaw citizen? A. He was a Choctaw.

Q She was a white woman? A. She was a white woman.

Q Did you know whether or not they lived together as husband and wife? A. Yes sir; they lived together as husband and wife un-
til she died.

Q And were so held in the neighborhood where they lived?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify that the above and foregoing is a true and correct transcript of the testimony taken in the above entitled matter.

[illegible]

Commission to the Five Civilized Tribes,

Atoka, Ind. Ter., Aug. 28, '99.

In the enrollment of Mary E. Riddle as a Choctaw; ~~being~~

Julius C. Folsom being sworn and examined by com'r Wickersham states:

Q What is your name? A Julius C. Folsom.

Q How old are you? A Sixty-nine.

Q Do you know Joseph Moore? A I did.

Q Do you know his wife Mary? A I knew his wife.

Q He was a Choctaw citizen? A He was a Choctaw.

Q She was a white woman? A She was a white woman.

Q Did you know whether or not they lived together as husband and wife? A Yes sir, they lived together as husband and wife until she died.

Q And were so held in the neighborhood where they lived?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. O'Neill

CHOCTAW D 75

John Thompson,

Cancelled and Transferred
to Choctaw 44 42.
Feb. 10. 1900

754

CHOCTAW D 755

Mollie Stewart et al.

Records transferred to Choctaw #5687. Refer to Choctaw D #75 - See testimony transferred from Choctaw D #755.

CHOCTAW D 756

Charley Stewart.

Duplicate of Choctaw Mem-
-orandum case # 105

Choctaw D-157

Susan Lovelace

D-157

CHOCTAW

Susan Lovelace

DECISION RENDERED MAR 16 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT AND
CHICKASAW NATION

MAR 16 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

COPY OF DECISION FORWARDED
APPLICANT

MAR

RECORD FORWARDED DEPARTMENT.

MAR

ACTION
RECORD NOV 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED CHOCTAW
AND CHICKASAW NATIONS. NOV 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. NOV 23 1906

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. NOV 23 1906

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Susan Lovelace for enrollment as a Choctaw; she being sworn and examined by Com'r McKennon she states:

Q What is your name? A Susan Lovelace.

Q How old are you? A I don't know, I am about forty.

Q Have you ever been on the Choctaw rolls? A No sir, not as I know of.

Q Have your father or mother ever been on the Choctaw rolls here in the Choctaw Nation? A I guess they have, I don't know.

Q Where did they live? A My mother and father lived in the Choctaw Nation.

Q Where? A Down on James Fork I believe.

Q What was your father's name? A Charley Weaver.

Q What was your mother's name? A Emma Pitchlynn.

Q Was your ~~mother~~ father colored? A He was a free man, but said he had some colored blood in him.

Q How long have you been living in the Choctaw Nation? A This coming November will be fourteen years.

Q Where did you come from? A Arkansas.

Q How long had you been living in Arkansas? A I staid in Arkansas about nine or ten years.

Q You were never admitted by the Council of the Choctaw Nation? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that I am an official court reporter as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Alikchi, Ind. Ter., April 29th,1899.

TESTIMONY OF ANDREW COLBERT, to be used inthe case of Mrs. Lovelace, who will appear before the Commission at Red Oak, I. T.

ANDREW COLBERT, being duly sworn by Commissioner Needles, testified as follows:

Examined by Judge Lewis.

Q. What is your name? A. Andrew Colbert.

Q. You used to belong to Peter Pitchlynn, didn't you? A. Yes sir

Q. How many sisters did he have? A. He had five sisters, Mary Garvin, Rhoda Howell,, Mary Wilson, Eliza Harris, and Betsy Harris.

Q. How many daughters did Peter have? A. Three I think, Luvina Harkins, Melvina Folsom and Rhoda Canady.

Q. Did Tom Pitchlynn, brother of Peter Pitchlynn, have any daughters? A. No sir.

Q. Did Peter's son, the one they called Push, named Lycurgus, I believe have any daughters? A. Yes sir, he had three. Emma was the eldest one, she married a white man and went to Texas and never came back. Minnie Samples and Hollie Folsom were the other two.

Q. Lon Pitchlynn had a daughter didn't he? A. Yes sir, Alice.

Q. Do you know who she married? A. She married a white man and went to Texas too.

Q. Did young Peter Pitchlynn have any daughters? A. No sir.

Q. That was all the sons Peter had wasn't it? A. Yes sir, that was all I knew of.

Q. You never heard of any of the Pitchlynn Family by the name of Ann, did you? A. No sir I never knew any by that name.

Q. You never heard of any of the Indian Pitchlynn Girls having a child by a colored man did you? A. No sir.

Q. You never heard of any of the Pitchlynn women having a colored child did you? A. No sir, not down in Eagle County.

--------oOo--------

Sworn statement of Ben Pitchlynn, in case of Mrs. Lovelace, who will appear before Commission at Red Oak, I.T., Being duly sworn by Commissioner Needles, Ben Pitchlynn testified as follows:

Q. What is your name? A. Ben Pitchlynn.

Q. You were raised by the Pitchlynn Family were you? A. Yes sir.

Q. Do you know how many sisters Peter Pitchlynn had? A. Yes sir, Mary Garlin, was the oldest and Rhoda Howell next, Betsy Harris, Eliza Harris, and Kizzie she married Bert Wilson, after Wilson died Kizzie married a man by name of Polland.

Q. You know all their children do you? A. Yes sir.

Q. They were all Indian and white were they? A. Yes sir

Q. Did he have one son named Push? A. That was old man Pitchlynn's oldest son.

Q. Did Push have some daughters? A. Yes sir, Emma was the oldest one, she married a man named Green somebody, and then went off and didn't come back, Mollie Married a Folsom, and Minnie married a white man named Semple.

Q. These were all the daughters he had? A. Yes sir.

Q. Lon Pitchlynn had a daughter didn't he? A. Yes sir, Alice.

Q. How many daughters did old man Pitchlynn himself have? A. Luvinia, married Richard Harkins, and Malvina married Loring Folsom. Rhoda Pitchlynn married a man named Canady.

Q. Tom Pitchlynn, Peter's brother, never had any daughters did he? A. No sir, Tom had one son named John.

Q. Did he have any daughters? A. Yes sir, he had one, I saw her once when he brought her down. He called her Dump.

Q. Did they ever call her Ann? A. No sir, I think not.

Q. How old would she be if she was living? A. About thirty years old. She would be about as old as my oldest daughter.

Q. Did you ever hear of any of the Pitchlynn women having a

Statement of Ben Pitchlynn Cont'd

daughter by a colored man? A. No sir, it is not so, I have been living with them all ~~my life~~ time.

Q. You never knew of anyof the Pitchlynn women named Anny? A. No sir, I never did.

Q. Do you think if any of the Pitchlynn women had had a colored child you would have known it? A. Yes sir, I would have known it.

Q. Peter and Tom and their sisters are the only Pitchlynns that you knew of that lived in the southeast part of the Nation? A. Yes sir.

Alikchi, I.T., April 29th, 1899.

Application for Enrollment.

Before the Honorable Secretary of the Interior,

Susan Loveless, et. al.	)	
vs: Petitioner.	)	
Choctaw Nation, Indian Territory,	)	Application for admittance and Enrollment.
Respondent.	)	

To The Honorable Secretary of the Interior,

Washington, D. C.

Your petitioner Susan Loveless states that Amy Peachlynn was a Choctaw Indian Woman by blood, was duly recognized by the proper authorities as such in the Choctaw Nation and enjoyed all the rights, privileges, benefits and annuities of other Choctaw Indians by blood in the said Choctaw Nation or tribe of Indians, and that the name Amy Peachlynn appears or should appear upon the authenticated rolls of the said Choctaw Indians for the year of ____

That petitioner is the lineal descendant of the said Amy Peachlynn, to wit:

My name is Susan Loveless. I am 39 years of age. My P. O. Address is Enterprise, I. T. I am the daughter of the late Amy Peachlynn, who was a Choctaw Indian by blood. I am an admixture of Negro and Indian blood, and about 1/2 Indian blood, my father being a negro. I derive my Indian blood from my mother, the late Amy Peachlynn, a full blood Choctaw Indian Woman, and who was born about the year 18__ and died about the year 1870 on Little San Bois, in San Bois County, Choctaw Nation

her
Sousan X Lovless
mark

Affiant has lived in the Choctaw Nation the greater part of her life, and know no other place for a home, and have always been recognized as a citizen of the Choctaw Nation. I have never been askedto pay any permits, and have been allowed to attend as much as land as I wanted to, and did not know any question would arise as to my rights to enrollment until I went before the Honorable Dawes Commission on the 5th of September 1899 at So. McAlester, I. T.

Applicant inter-married with Thos. Loveless a state raised man, in the year of 1874, and by such marriage the following children were born and are now living, namely,

George Loveless	Age	22
Albert "	"	20
Charley "	"	18
Della Endman Nee Loveless		16
Jink Loveless	Age	14
Ella "	"	12
Perkins "	"	10
Marian "	"	8
Frank "	"	6
Lee "	"	4
Enoc "	"	1

Wherefore the premises considered, your petitioner prays that her name, with those of her said descendants and they be enrolled and admitted as citizens of the Choctaw Nation, and your petitioner will ever pray

The aforenamed petitioner Susan Loveless says that the statements set forth in the above and foregoing petition are true according to her best knowledge, information and belief

Sousan her X mark Lovless Petitioner.

Subscribed and sworn to before me, this the 4 day of October 1899.

(Signed) S. B. Johnson

(SEAL) Notary Public.

United States of America,

Central District,

Indian Territory.

Before me the undersigned, a Notary Public in and for the District aforesaid personally appeared Sarah Harris, who being by me duly sworn states:

That I am 75 years of age, a resident of (the) Tobucksy County Choctaw Nation, I. T., and that she is personally acquainted with Susan Loveless who is an applicant for citizenship in the Choctaw Nation, Affiant further states:

Affiant says that Susan Loveless is the daughter of the late Amy Peachlynn, (a) who was a Choctaw Indian by blood, and recognized citizen of the Choctaw Nation, and who live, resided and dies in Sans Bois, County. Affiant further says that Susan Loveless is a lineal descendant of Amy Peachlynn, and that she is rightfully entitled to citizenship in the Choctaw Nation, by virtue of her Choctaw blood.

Affiant further states: That she has known the said Susan Loveless for the past 39 years, and all of her life, and know that she has been and is recognized by her neighbors, acquaintances, and the public generally as having Choctaw Indian blood and that the complexion and physical appearance of the said Susan Loveless indicate that she is of Choctaw Indian blood and descent. Affiant further says, that from the above facts and circumstances, and from what she has heard and knows of the family of the said Susan Loveless and her Children, she believes the said Susan Loveless to be a descendant by blood of the Choctaw Indian Tribe.

Sarah her X mark Harris

Subscribed and sworn to beforme me this the 4 day of October 1899

(SEAL)

(Signed) S. B. Johnson
Notary Public.

Northern District)
)
Indian Territory.)

Before me a Notary Public in and for the District above named, Personally appeared Henry Chalk, to me well know, who upon oath states that he was well acquainted with Amy Peachlynn and her daughter Susan Peachlyn (now Susan Loveless) parties named in the foregoing instrument, he states that they were both recognized as citizens of the Choctaw Nation and enjoyed all the rights as such. His Post Office is Muskogee, I. T.

Witnesses to
Henry Chalks Will E. Linton
B. D. Grass
Mark

his
Henry X Chalk
mark

Subscribed and sworn to before me this the 7th day of October, 1899

(Signed) L. W. Mead
Notary Public.

(SEAL)

My Com. will expire Feb. 4, 1902.

Endorsed:

Department of the Interior
Received Oct. 27, 1899
No. 3102
Indian Territory Division.

Whitefield, Ind. Ter.

Aug. the 11th 1903.

This is to certify that I Enoch Flack, a citizen of the Chocktaw Nation have known Susan Loveless for the past sixteen years, and she and her family have been recognized by the Chocktaws, as citizens of the Chocktaw Nation. And I further know that her husband, Tom Loveless and her sons, George Loveless and Alburt Loveless, have been allowed to vote in the Chocktaw elections, and I further know that they have been allowed to participate in and enjoy citizens rights in the Chocktaw schools of the Chocktaw Nation. And I further know that while I served as a Trustee of the National school of the Chocktaw nation, her children: Charley Loveless, Della Loveless, Jessie Loveless, Ellen Loveless, Purkins Loveless and Marion Loveless, attended the school and drew their tuition from the Government for the same. Their rights as citizens never being called in question.

Enoch his X mark Flack

Subscribed and sworn to before me a Notary Public duly acting, this the 11th day of Aug. 1903.

(Signed) W. E. Jones
Notary Public.

(SEAL)

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Aug. 27, 1903.
Tams Bixby, Chairman.

Quinton, Ind. Ter.

Aug. 12th 1903.

Indian Territory)
(SS.
Western District)

Coleman Riddle being duly sworn upon oath deposes and says that he is a Choctaw Citizen by blood and has known Susan Loveless and family for the past Seventeen years and during this time, her husband, Tom Loveless and her two sons have been recognized as Citizens of the Choctaw Nation. Her husband Tom Loveless and her two sons George Loveless and Albert Loveless have voted in all Choctaw elections even for Principal Chief of the Nation and said Tom Loveless has taken out Permits for his renters and recognized as a citizen in paying Permits.

(Signed) Coleman Riddle

Subscribed and Sworn to before me this the 12th day of August 1903.

(Signed) J. M. White

(SEAL) Notary Public.

Commission Expires Oct. 12-1906

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Aug. 27, 1903.
Tams Bixby, Chairman.

Whitefield Ind. Ter.

Aug. the 11th 1903.

This is to certify that I Littleton Holt, a citizen of the Chocktaw Nation, have known Susan Loveless for the past sixteen years, and she and her family have been recognized by the Chocktaws as citizens of the Chocktaw Nation. And I further know that her husband, Tom Loveless, and her two sons, George Loveless and Albert Loveless have been allowed to vote in the Chocktaw elections. And I further know that they have been allowed to participate in, and enjoy citizens rights in the Chocktaw schools of the Chocktaw Nation. And I further know that while I served a Trustee of the National school, her children, Charley Loveless, Della Loveless, Jessie Loveless, Eller Loveless, Purkins Loveless and Marion Loveless, attended school, and drew their tuition from the Government for the same. Their rights as citizens never being called in question.

Littleton his X mark Holt

Subscribed and sworn to before me this the 11th day of August, 1903.

(Signed) W. E. Jones

Notary Public.

(SEAL)

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed August 27, 1903,
Tams Bixby, Chairman.

P E R M I T.

CHOCTAW NATION, COUNTY OF SANS SBOIS.

To all and singular to whom these Presents shall come, Greeting:

KNOW YE THAT I, W. G. GARLAND, County Judge of Sans Bois County, Choctaw Nation, by virtue of authority vested in me by the laws of said Nation, do hereby grant unto Oscar Oliver, a citizen of the United States, a permit to remain in this Nation as a renter, under the employ of Tom Loveless, during the year 1896 with the right and privilege of conducting such as long as the said Oscar Oliver shall obey the laws and regulations of said Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and laws of the United States relating thereto; not contrary to the rules and regulations respecting and governing persons obtaining permits; and during good behavior.

Given under my hand this 1st day of January, 1896.

W. G. Garland,
County Judge.

ATTEST:

J. E. McBrayer, County Clerk.

Endorsed:

No. 348, Oscar Oliver, Rentee, Under Tom Lovless, Amount $5.00, 1896.

~~Enterprise~~

Department of the Interior
Received October 27, 1899.
No. 3102
Indian Territory Division.

P E R M I T.

CHOCTAW NATION, COUNTY OF SANS BOIS.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE THAT I, TURNER McGILBERRY, County Judge of Sans Bois County, Choctaw Nation, by virtue of authority vested in me by the laws of said Nation, do hereby grant unto Simon T. Carter, a citizen of the United States, a permit to remain in this Nation as a renter, under the employ of Tom Loveless, during the year 1897, with the right and privilege of conducting such as long as the said Simon T. Carter shall obey the laws and regulations of said Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and laws of the United States relating thereto; not contrary to the rules and regulations respecting and governing persons obtaining permits; and during good behavior.

Given under my hand this 7 day of Mch. 1898.

ATTEST: TURNER McGILBERRY,

George W. Scott, County Clerk. County Judge.

Endorsed:

No. 1100, Simon T. Carter, Rentee, Under Tom Loveless. Amount $5.00
1897.
Department of the Interior,
Received October 27, 1899,
No. 3102
Indian Territory Division.

1101

P E R M I T.

Choctaw Nation, County of Sans Bois.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE THAT I, TURNER McGILBERRY, County Judge of Sans Bois County, Choctaw Nation, by virtue of authority vested in me by the laws of said Nation, do hereby grant unto John Kirby, a citizen of the United States, a permit to remain in this Nation as a renter, under the employ of Tom Loveless during the year 1897, with the right and privilege of conducting such as long as the said John Kirby shall obey the laws and regulations of said Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and laws of the United States relating thereto; not contrary to the rules and regulations respecting and governing persons obtaining permits; and during good behavior.

Given under my hand this 7 day of Mch 1898.

ATTEST: TURNER McGILBERRY,

George W. Scott, County Clerk. County Judge.

Endorsed:

No. 1101, Jno. Kirby, Rentee, under Tom Loveless, Amount, $5.00, 1897.

Department of the Interior,
Received October 27, 1899,
No. 3102
Indian Territory Division.

424

P E R M I T.

CHOCTAW NATION, COUNTY OF SANS BOIS.

To all and Singular to Whom these Presents Shall Come, Greeting:

Know Ye That I, John Taylor, County Judge of Sans Bois County, Choctaw Nation, by virtue of authority vested in me by the laws of said Nation, do hereby grand unto Pat McCarvey, a citizen of the United States, a permit to remain in this Nation as a renter, under the employ of Tom Loveless during the year of 1898, with the right and privilege of conducting such as long as the said Pat McCarvey shall obey the laws and regulations of the said Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and laws of the United States relating thereto; not contrary to the rules and regulations respecting and governing persons obtaining permits; and during good behavior.

Given under my hand this 6 day of Dec. 1898.

ATTEST: JOHN TAYLOR,

George W. Scott, County Clerk. County Judge.

No. 424
Pat McCarvey, Rentee
Under
Tom Loveless.
Amount, $5.00.
_____1898.

517

P E R M I T.

CHOCTAW NATION, COUNTY OF SANS BOIS.

To all and Singular to Whom these Presents Shall Come, Greeting:

KNOW YE THAT I, JOHN TAYLOR, County Judge of Sans Bois County, Choctaw Nation, by virtue of authority vested in me by the laws of said Nation, de hereby grant unto Jno. Curby, a citizen of the United States, a permit to remain in this Nation as a renter, under the employ of Tom Loveless during the year of 1898, with the right and privilege of conducting such as long as the said Jno. Curby shall obey the laws and regulations of the said Choctaw Nation in regard to non-citizens residing therein, not inconsistent with existing treaties and laws of the United States relating thereto; not contrary to the rules and regulations respecting and governing persons obtaining permits; and during good behavior.

Given under my hand this 30 day of Dec. 1898.

JOHN TAYLOR,
County Judge.

ATTEST:

George W. Scott, County Clerk.

Endorsed:

No. 517,
Jno. Curby, Rentee, Under Tom Loveless.
Amount, $500. _____1898.

Department of the Interior,
Received October 27, 1899,
No. 3102
Indian Territory Division.

7-D-757.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Lovelace, et al., as citizens by blood of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that at a session of the Commission to the Five Civilized Tribes held at South McAlester, Indian Territory, beginning September 4, 1899 and ending September 13, 1899, Susan Lovelace appeared before said Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. Thereafter on October 27, 1899, written application was made to said Commission for the enrollment of George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace, and Enoc Lovelace, children of said Susan Lovelace, as citizens by blood of the Choctaw Nation.

It appears from the record herein that Susan Lovelace was born in about the year 1859, and is a daughter of Charley Weaver, a non-citizen, and Emma (or Amy) Pitchlynn (or Peachlynn), an alleged full blood Choctaw who died in about the year 1870, and that said Susan Lovelace removed from the Choctaw Nation to the state of Arkansas in 1885. All the other applicants herein are the children of the said Susan Lovelace and Thomas Lovelace (or Loveless), a non-citizen.

It further appears from the record herein, or from the records in the possession of this office that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am therefore of the opinion that the applications made for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

MAR 16 1906

7-D-757

COPY

Muskogee, Indian Territory, March 16, 1906.

Susan Lovelace,

Kinta, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of yourself, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Wm. O. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-757.

7-D-757

Muskogee, Indian Territory, March 16, 1906.

W. R. Gravens,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Ella Lovelace, Jink Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall,

Acting Commissioner.

Registered.

Incl. 7-D-757.

7-D-787

Muskogee, Indian Territory, March 16, 1906.

COPY.

W. T. Fears,

Attorney at Law,

Eufaula, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on March 16, 1906, rendered his decision denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Wm. O. Beall.

Registered.

Acting Commissioner.

7-D-757

Muskogee, Indian Territory, March 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 16, 1906, denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall

Acting Commissioner.

Incl. 7-D-757.

Muskogee, Indian Territory, March 16, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record of proceedings in the matter of the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enos Lovelace, as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated March 16, 1906, denying said application.

Respectfully,

SIGNED
Wm. O. Beall.
Acting Commissioner.

2 Incl. 7-D-757.

Through the
Commissioner of Indian Affairs.

7-D-757

Muskogee, Indian Territory, November 23, 1906.

Susan Lovelace,

Kinta, Indian Territory.

Dear Madam:

You are hereby advised that on November 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of March 16, 1906, denying the application for the enrollment of yourself, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoe Lovelace, as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-757

Muskogee, Indian Territory, November 23, 1906.

W. R. Cravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on November 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of March 16, 1906, denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Ella Lovelace, Jink Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

9-D-787

Muskogee, Indian Territory, November 23, 1906.

W. T. Mears,

Attorney at Law,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that on November 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of March 16, 1906, denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Ella Lovelace, Jink Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation:

Respectfully,

Commissioner.

7-D-757

Muskogee, Indian Territory, November 23, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on November 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of March 16, 1906, denying the application for the enrollment of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Ella Lovelace, Jink Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace and Enoc Lovelace, as citizens by blood of the Choctaw Nation.

For your information, there is enclosed herewith a copy of departmental letter of November 1, 1906, above referred to.

Respectfully,

Commissioner.

HAH 1/23.

7-D-757.

Muskogee, Indian Territory, December 20, 1902.

Fears & McCarr,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th inst., asking for a copy of the record in the matter of the application for enrollment of Susan Lovelace, which was made before the Commission September 5, 1899, at South McAlester, Indian Territory.

In compliance with your request, there is herewith enclosed you a copy of the testimony of Susan Lovelace in the matter of her application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Enc B I 185.

7-D-757.

Muskogee, Indian Territory, February 13, 1908.

W.P. Cravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

In compliance with your personal request, there is enclosed herewith a copy of the testimony of Susan Lovelace, Andrew Colbert and Ben Pitchlynn in the matter of the application for enrollment of Susan Lovelace as a citizen by blood of the Choctaw Nation.

Please acknowledge receipt of same.

Respectfully,

Acting Chairman.

Enc B I 21-137.

T D 757

Muskogee, Indian Territory, June 13, 1905.

Thomas Loveless,

Kinta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1905, asking if your wife Susan Loveless and her children Alber, George, Charley, Della and Eller Jenkins and Perkins Melton, Lee and Enoch Loveless have been approved.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Susan Lovelace for enrollment as a citizen of the Choctaw Nation and the information contained in your letter is not sufficient to enable us to identify the children named therein as applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

Chairman.

9-D-787

Muskogee, Indian Territory, November 28, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

You are advised that the names of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Endman, Jink Lovelace, Ella Lovelace, Perkins Lovelace, Marion Lovelace, Frank Lovelace, Lee Lovelace, Enoe Lovelace have been placed on Choctaw roll card D 787.

You are therefore directed to add these names to your list of undetermined applicants for enrollment in the Choctaw Nation in your possession.

Respectfully,

Acting Commissioner.

7-D-757

Muskogee, Indian Territory, November 25, 1905.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are advised that the names of Susan Lovelace, George Lovelace, Albert Lovelace, Charley Lovelace, Della Enoman, Kink Lovelace, Ella Lovelace, Perkins Lovelace, Marian Lovelace, Frank Lovelace, Lee Lovelace, Enoc Lovelace have been placed on Choctaw roll card D 757.

You are therefore directed to add these names to your list of undetermined applicants for enrollment in the Choctaw Nation in your possession.

Respectfully,

Acting Commissioner.

7-D-757

Muskogee, Indian Territory, February 8, 1906.

Thomas Loveless,

Kinta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, 1906, askint what action has been taken by the Department in the case of your wife Susan Loveless and her children.

In reply to your letter you are advised that the application for the enrollment of your wife Susan Lovelace and your children George, Albert, Charley, Jink, Ella, Perkins, Marian, Frank, Lee and Enoch Lovelace and Della Endman is now receiving consideration at this office and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7-D-787.

Muskogee, Indian Territory, August 15, 1906.

Cora Lovelace,

Care of Perkins Lovelace,

Enterprise, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Cora Lovelace and T. L. Chambliss to the birth of your minor child, Ruth Bert Lovelace on July 19, 1906.

You are advised that, under the provisions of the Act of Congress approved April 26, 1906, only those children who were living March 4, 1906, are entitled to enrollment.

Respectfully,

Commissioner.

DCS.

Ref. 739-

Muskogee, Indian Territory, September 7, 1906.

Adam Lewis,

Enterprise, Indian Territory.

Dear Sir:

Your letter of August 25, 1906, addressed to the Secretary of the Interior, has been referred to this office for reply. Therein you ask to be advised if Susan Loveless will be enrolled.

Relative thereto you are advised that Susan Loveless and her children were denied citizenship in the Choctaw Nation by a decision of the Commissioner to the Five Civilized Tribes March 16, 1906, and the record therein together with said decision has been forwarded to the Secretary of the Interior for review.

She will be notified of any action taken therein by the Department.

Respectfully,

Acting Commissioner.

CHOCTAW D 758

John A. Motes

Transferred to CHOCTAW # 3306.

CHOCTAW D 739

J. H. Wold -

Record transferred to
Choctaw # 123

CHOCTAW D 760

Dora Moore.

Record transferred to

CHOCTAW. # 2692.

CHOCTAW D 761

Maud Colton

Record transferred to

CHOCTAW. # 5676.

CHOCTAW

D 762

Office Collect

Record transferred to

Chickasaw and [illegible]

Choctaw D-763

John R. Ingram

D-763

CHOCTAW

No. 7[illegible]

John R. Ingram

NO

REFUSE

COPY OF DE[illegible]

APPLI[illegible]

ATTORNEY [illegible]
CHICKASAW [illegible]

RECORD FOR [illegible] JT.

Husband of Leona Russell on Choctaw card #4367

ACTION APPROVED BY
SECRETARY OF INTERIOR
DEC [illegible] 1934

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
DEC [illegible] 1934

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. July 22, 1902.

R-763

In the matter of the application for enrollment as a citizen, by intermarriage, of John R. Ingram, of the Choctaw Nation.

Applicant not represented by attorney.

John R. Ingram being first duly sworn testifies as follows:

Examination by the Commission

Q What is your name? A John R. Ingram.
Q I-n-g-r-a-m? A Yes, sir.
Q How old are you? A Thirty-six last April.
Q What is your post office address? A Kiowa, Indian Territory.
Q What Nation is that? A Choctaw.
Q You live in the Choctaw Nation? A I am there now; I am not moved yet but I have been there all Summer, my residence is in Dallas, Texas, now.
Q How long have you been living in the Choctaw Nation? A Since last August.
Q What do you mean by your residence being in Dallas, Texas? A I was a widower and my home was in Dallas Texas but I lived in the Choctaw Nation all Summer, I married my wife in Ardmore, my residence and children they are in Dallas, Texas.
Q Own any property in Dallas, Texas? A No, sir.
Q Children live there? A Yes, sir.
Q By a former marriage? A By my first wife? A
Q You own any property in the Choctaw Nation? A No, sir.
Q How long have you been in the Territory; actually been here? A Ever since the first day of last August.
Q Have you been here continuously since then? A Yes, most of my time with the exception of going home and back again. I spend most of my time at Kiowa.
Q That the only residence you have had in the Choctaw Nation? A Yes, at Kiowa.
Q What is your father's name? A Hart Ingram.
Q H-a-r-t? A Yes; H. T.
Q Is your father living? A Yes, sir.
Q What is your mother's name? A Mrs. Carrie Ingram.
Q Is your mother living? A Yes, sir.
Q Mother and father both white people? A Yes, sir.
Q Citizens of the United States? A Yes, sir.
Q Neither of them ever make any claim to citizenship in any tribe of Indians by blood? A No, sir.
Q Neither your father or mother have ever drawn any payments of money as members of any tribe of Indians? A No, sir.
Q You are a white man? A Yes, sir.

#2

Q Never made any claim to citizenship by bled in any tribe of Indians? A No, sir.
Q Never drawn any money as a member in any tribe of Indians? A No, sir.
Q You are an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sr.
Q What is the name of your Choctaw wife? A Leona.
Q Leona what? A Ingram.
Q What was her name before you married her? A Russell.
Q How old is she? A Twenty-three, she was a Kelly before she married the first time.

The name of the applicant's wife is upon the records of the Commission on Choctaw Roll card, field number 4367, having been so listed September 1, 1899; upon her identification from the 1896 tribal rolls of the citizens of the Choctaw Nation, Tobuckey County.

Q Your wife ever married before she married you? A Yes, sir.
Q Whom was she married to? A A man by the name of Russell.
Q Is he living? A I don't know.
Q What is his full name? A Joe I think.

It further appears from an examination of the records of the Commission that Joseph R. Russell, the former husband of Leona Russell , the wife of this applicant, is also an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Leona Kelly, now Ingram.

Q Is your wife divorced from Joseph R. Russell? A Yes, sir.
Q Have you the evidence of that divorce ? A I have not got it with me . My wife is in town, I don't know whether she has got it with her but she got a divorce at Atoka.
Q Were you ever married before you married Leona Russell? A Yes sir.
Q Whom were you married to? A Maggie L. Mundell.
Q Is she living? A No, sir.
Q You lived with her until she died? A Yes, sir.
Q When were you married to Leona Russell? A The 12th day of last April.
Q Where? A Ardmore
Q Married under a license? A Yes, sir.
Q Did you obtain a license from the Chickasaw tribal authorities to marry Leona Russell? A No, sir; nothing but the United States
Q Have you your marriage license and certificate? A I have it with me.

The applicant here offers in evidence, there is marked exhibit "A", filed and made a part of the record in this application the marriage license issued by the Clerk of the United States Court, Southern District, Indian Territory, to J. R. Ingram of Dallas, Texas to marry Leona K. Russell of Dallas, Texas, the same being dated April 12, 1902 and attached thereto being the certificate of J. M. Rhoads, as to the marriage of J. R. Ingram and Leona K. Russell, April 12, 1902, said marriage license and certificate being recorded in book "F", page 514, of the marriage record of the United States Court, Southern District, Indian Territory.

Q. The marriage that was performed between you and Leona K. Russell under this United States license, is the only marriage ceremony ever performed between you? A. Yes; it was performed.
Q. Was it the only one; were you ever married under any other license? A. No, sir.
Q. Never obtained a license to marry under the tribal laws? A. No, sir.
Q. You and Leona K. Russell have been living together as man and wife since this marriage? A. Yes, sir.
Q. No separation or divorce? A. No, sir.

G. Rosenwinkel being duly sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes reported in full all the proceedings had in the above entitled cause on July 22, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G Rosenwinkel

Subscribed and sworn to before me this 22nd day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

MARRIAGE LICENSE.

No. 509.

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : ss:
SOUTHERN DISTRICT. :

To any person authorized by law to solemnize marriage,

GREETING:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. J.R. Ingram of Dallas, Texas, aged 36 years, and M..Leona K. Russell, of Dallas, Texas, aged 25 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 18 day of April, A.D. 1902.

(Signed) S.N. Campbell,

.....Deputy. Clerk of the United States Court,

CERTIFICATE OF MARRIAGE.

United States of America, :
Indian Territory, : ss:
Southern District. :

I, J.N. Edwards, a M.G., do hereby certify, that on the 18 day of April, A.D. 1902, I did duly and according to law, as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand, this 18 day of April, A.D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Central District, at S. McAlester, Book A, Page 128.

(Signed) J.N. Edwards, a M.G.

Note— The person officiating should fill in the spaces for book and page, and sign here.

NOTE: (a) This license and certificate of marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.)

Note: (b) No person is authorized to perform the marriage ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

Endorsed: CERTIFICATE OF RECORD OF MARRIAGE.

United States of America, :
Indian Territory, : set.
Southern District. :

I, C.M. Campbell, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the license for, and Certificate of Marriage of Mr. J.R. Ingram and M..Leona R. Russell were filed in my office in said Territory and District the 15th day of April, A.D. 1902 and duly recorded in Book F of Marriage Records, Page 314.

Witness my hand and seal of said Court, at Ardmore, this 21st day of Apr. A.D. 1902.

(Signed) C.M. Campbell, Clerk.

F I L E D
APR 15 1902 2 P M
C.M.Campbell, Clerk.
Southern Dist. Ind. Ter.

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

Also endorsed: Exhibit "A".

Department of the Interior,
Commission to the Five Civilized Tribes,
F I L E D Jul 22 1902
Tams Bixby, Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 21st, 1908.

Choctaw D 763.
Intermarried.

In the matter of the application of John R. Ingram for enrollment as an intermarried citizen of the Choctaw Nation.

John R. Ingram, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A John R. Ingram.
Q How old are you? A Thirty six.
Q What is your post office address? A At the present time, it is Dallas, Texas----Kiowa is my post office when I am in the territory.
Q Where do you get your mail now? A Dallas, Texas,--Ivy House.
Q Are you at present living there in the state of Texas? A Yes sir.
Q How long have you lived there? A I have been there myself for about fifteen years.
Q You have never lived in the territory? A I have lived in Kiowa for two years except part in the winter time.
Q Do you spend your winters in Texas? A Yes I spend part of my winter there dealing in hay.
Q Do you claim intermarried rights in the Choctaw Nation? A I don't know sir whether I do or not; I was married under United States law; I didn't marry according to the Choctaw law.
Q Do you think you have any rights as an intermarried citizen of the Choctaw Nation? A I am advised that I would have. If I had not been so advised I would have married the other way.
Q What is the name of your Choctaw wife through whom you claim these rights? A Leona Kelly.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Her rights have never been disputed? A No sir.
Q When were you married to Leona Kelly? A 12th day of last April, 1902.
Q Where was the marriage ceremony performed? A At Ardmore.
Q What was your residence at that time? A Dallas, Texas.
Q What was the residence of your wife? A Kiowa; she was visiting relatives at Ardmore.
Q Under what law were you married to her? A United States law.
Q Did you obtain a license? A Yes sir.
Q From the United States Court? A Yes sir, at Ardmore.
Q Who performed the marriage ceremony? A I declare I can't call his name.
Q Is that the only time you were ever married to this woman? A Yes sir, preacher Edwards was the man that married me.
Q Since your marriage have you lived in the state of Texas? A Yes sir.
Q Does your wife live with you? A Yes sir.
Q Are you in business in the state of Texas? A Yes sir, in both places.
Q Your home though is in Dallas? A Yes sir.
Q You have property there? A No sir, nothing but a little personal property.
Q Do you vote in the state of Texas? A Yes sir, I have done it; I have not voted the last two years; but I have up until the last two years.

John R. Ingram------2.

Q You were never married in accordance with the tribal law? A No sir
Q Never attempted to procure a marriage license from the tribal authorities? A No sir.

---oOo---

Harry C Ristean, being first duly sworn, upon his oath states: that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristean

Subscribed and sworn to before me this 5th day of January 1903.

Charles Netterman
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John R. Ingram as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-763.

- - - - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights, by intermarriafe, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

Protest received by Department

This req uest is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfiled, McMurray & Cornish

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

(Endorsed on back)

Choctaw D- 763.

In the matter of the enrollment of John R. Ingram as an intermarried citizen of the Choctaw Nation.

PROTEST of

Choctaw and Chickasaw Attorneys.

DEPARTMENT OF THE INTERIOR. COMMISSION TO THE FIVE CIVILIZED TRIBES. F I L E D FEB 6 1904 Tams Bixby Chairman.

763.

7-D-763.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John R. Ingram as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on April 12, 1902 the applicant, John R. Ingram, a white man, was married, under a license issued by the Clerk of the United States Court, Southern District of Indian Territory, to Leona Ingram (formerly Russell), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 12190 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw nation and approved by the Secretary of the Interior on March 6, 1903; that at the time of said marriage the applicant was a resident of the State of Texas and the said Leona Ingram was a resident in good faith of the Choctaw Nation and that said parties lived together continuously as husband and wife as residents of the State of Texas from the date of said marriage up to and including September 25, 1902.

It does not appear from the record herein or the records in the possession of the Commission that the applicant was ever admitted to citizenship in the Choctaw Nation by a legally constituted court or committee of said nation or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321). Neither does it appear that the applicant was ever married in accordance with the tribal laws, customs and usages of the Choctaw Nation to a recognized and enrolled citizen by blood of said nation.

2.

It is, therefore, the opinion of this Commission that the application for the enrollment of John E. Ingram as a citizen by intermarriage of the Choctaw Nation should be denied in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

Choctaw D 763

Copy.

Muskogee, Indian Territory, November 9, 1904.

John R. Ingram,

Kiowa, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, denying the application made by you for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Inc 4, 7-2-763.

Cheetaw D 763

COPY

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for enrollment of John R. Ingram as a citizen by intermarriage of the Cheetaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

[illegible] 763.

Copy.

Muskogee, Indian Territory, November 9, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is herwith transmitted the record of proceedings in the matter of the application made by John R. Ingram for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission, dated November 9, 1904, denying said application.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

2 Inel. 7-D-763

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON November 17, 1904.

Land.
79906-1904.

The Honorable,

The Secretary of the Interior

Sir:

I enclose herewith, a report from the commission to the Five Civilized Tribes, dated November 9, 1904, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by John R. Ingram.

November 4, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is a white man having no Indian blood; that on April 12, 1902, he was married to Leona Russell, a recognized and enrolled citizen by blood of the Choctaw Nation, under a United States license and not in accordance with the laws, customs and usages of the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

W. A. Jones,
Commissioner.

M.M.M.
W.

Y. P.

DEPARTMENT OF THE INTERIOR

D.C. 47298-1904. WASHINGTON December 5, 1904.
I.T.D. 11806-1904.

LRS.

Commission to the Five Civilized Tribes,

Mus kogee, Indian Territory,

Gentlemen:

November 9, 1904, you transmitted the record in the matter of the application for the enrollment of John R. Ingram as an intermarried citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Reporting in the matter November 17, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The marriage certificate attached to the record is inclosed herewith, to be returned by you to the applicant.

Respectfully,

THOS RYAN,
Acting Secretary.

2 inclosures.

Choctaw D 963

COPY.

Muskogee, Indian Territory, December 14, 1904.

John R. Ingram,

Kiowa, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of December 5, 1904, affirmed the decision of this Commission dated November 9, 1904, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The marriage license and certificate between John R. Ingram and Leona Russell is herewith returned to you.

Respectfully,

Tams Bixby.

Chairman.

Incl. 7-D-963.

Choctaw D 763

COPY.

Muskogee, Indian Territory, December 14, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of December 5, 1904, affirmed the decision of this Commission dated November 9, 1904, denying the application for the enrollment of John R. Ingram as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Choctaw 8874
Choctaw D763

Muskogee, Indian Territory, January 12, 1903.

C. E. Anglin,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 20, asking if J. R. Ingram, an intermarried citizen of the Choctaw Nation is on the rolls all right.

In reply to your letter you are advised that it appears from our records that John R. Ingram, of Kiowa, Indian Territory, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and that his final right to such enrollment has not yet been passed upon by the Commission.

The matter of the classification of your lands has been made the subject of another communication.

Respectfully,

Acting Chairman.

Choctaw D 763

Muskogee, Indian Territory, February 10, 1904.

John R. Ingram,

Kiowa, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

D. 764

George Salmon

Record transferred to
Chartau card # R. 481

Sarah H. McKinney

Transferred to Choctaw
2-18

766

William M. Carr

Transferred to Orders

JAN 25 1905

767

Enoch Needham

Record transferred to
Choctaw card # 2 [illegible]

768

Albert Medell

Record transferred to
Choctaw card #4.1.

CHOCTAW D 768

Charley Allen

Transferred to Choctaw
#590 v JAN 28 1905

D. 770

Alexander P. Mathews.

Record transferred to
Choctaw card #5319

Choc. D. 771

Cleo Vandergriff

CHOCTAW 10 771

Cleo. Vandergriff.

DISMISSED
MAY 27 1904

Wife of James M. Vandergriff
on Choctaw card # 2649.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw nation of:

Cleo Vandergriff, 7-D-771.

---o---

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. August 5, 1908.

T-D-771

In the matter of the application of Cleo Vandergriff for enrollment as a citizen by intermarriage of the Choctaw Nation.

Applicant not represented by attorney.

Cleo Vandergriff being first duly sworn testifies as follows:

Examination by the Commission

Q What is your name? A Cleo Vandergriff.
Q How old are you? A I will be twenty-six years old the 4th day of November.
Q What is your post office address? A Poole, I.T.
Q What Nation is that in? A Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A Sixteen years in September.
Q Lived there continuously for the past sixteen years? A Yes, sir
Q Never have made your home anywhere else? A No, sir.
Q Where did you live before you lived in the Choctaw Nation? A South Carolina.
Q Born in South Carolina? A Yes, sir.
Q Lived there until you were ten years of age and then moved to the Choctaw Nation? A Yes, sir.
Q What is your father's name? A John W. Belt.
Q Your father living? A Yes, sir.
Q What is your mother's name? A Lula Josephine.
Q Belt? A Yes, Belt.
Q Is your mother living? A Yes, sir.
Q Your parents both white persons? A Yes, sir.
Q Citizens of the United States? A Yes, sir.
Q Have either your father or mothe ever made any claim to citizenship by blood in any tribe of Indians? A No, sir.
Q Have they ever drawn any money as members of any tribe of Indians? A No, sir.
Q You are a white woman? A Yes, sir.
Q Citizen of the United States? A Yes, sir.
Q Ever make any claim to citizenship by blood in any tribe of Indians? A No, sir.
Q Ever draw any money as a member of any tribe of Indians? A A No, sir.
Q You are an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation at this time? A Yes, sir.
Q What is the name of your Choctaw husband? A James M. Vandergriff.
Q How old is he? A He will be twenty-two years old in September.

#2

Q You know his father 's name? A Yes, sir.
Q What is it? A William Vandergriff.
Q He a white man? A Yes, sir.
Q What is his mother's name? A Nancy A. F. Vandergriff.
Q Has your husband always been recognized as a citizen of the Choctaw Nation by the Choctaw tribal authorities? A Yes, sir.
Q Is it not a fact that your husband's right to citizenship in the Choctaw Nation is dependent upon a Judgment of the United States Court in Indian Territory? A Yes, sir.
Q He was never recognized as a member of the tribe by the tribal authorities? A No , sir.
Q When did you marry him? A I have been married two years the 21st day of last February.

James M. Vandergriff the husband of this applicant appears upon the records of the Commission, listed for enrollment as a citizen of the Choctaw Nation, on Choctaw roll card, field number 2649, having been so listed on June 14, 1899. James M. Vandergriff does not appear to have ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that tribe and his right to Choctaw citizenship is dependent upon a judgment of the United States Court for the Central District, Indian Territory, of September 11, 1897, in Choctaw citizenship case number 62.

Q You say you have been married to James M. Vandergriff two years? A Yes, sir.
Q Who married you? A Harland.
Q Where were you married? A Pecola.
Q Have you your marriage license and certificate? A Yes, sir.

The applicant has previously filed in the matter of the application for the enrollment of her child Hildreth Vandergriff, and there is now on file with the records of this Commission the marriage license issued by the Clerk of the United States Court, Central District, Indian Territory, to JamesM. Vandagriff to marry Miss. Cleo Bolt, dated January 11, 1901; attached thereto being the certificate of E. B. Harlan, as to the marriage of James M. Vandagriff and MissCleo Bolt of the 15th day of January 1901. Said marriage license and certificate being recorded in the records of the United States Court for the Central District, Indian Territory, marriage book 1, page 528. (See Choctaw 2649).

Q Was the only ceremony ever performed between you and James M. Vandergriff under this United States license? A Yes, sir.
Q Never married but once? A No, sir; never married but once.
Q Were you ever married before you married James M.Vandergriff? No, sir.
Q Was he ever married before he married you? A No, sir.
Q At the time you entered into this marriage there was no legal obstruction? A No, sir.
Q Neither of you had a living husband or wife from whom you were not divorced? A No sir.
Q You have since lived together as husband and wife? A Yes, sir.
Q No separation or divorce? A No, sir.

Q. You are both new residents of the Choctaw Nation, Indian Territory? A. Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 5, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1902.

G Rosenwinkel

Subscribed and sworn to before me this 20 day of August 1902.

Guy L. V. Emerson
Notary Public.

7-771-D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----o----

In the matter of the application for the enrollment of Cleo Vandergriff as a citizen by intermarriage of the Choctaw Nation.

----o----

The applicant, Cleo Vandergriff, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one James M. Vandergriff. The right of the applicant's husband, James M. Vandergriff, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 18, 1904, in case No. 65, upon the South McAlester docket of said court, it is hereby ordered that the application of Cleo Vandergriff for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

MAY

T. B. 771.

COPY.

Muskogee, Indian Territory, June 4, 1904.

Ellen Pacheguff,

Pecola, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. T. B. 771.

Ex. Br. 774

COPY.

Muskogee, Indian Territory, June 4, 1904.

Benefield, Mahaffey & Cornish,
Attorneys for Choctaw and Chickasaw Indians,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Obed Vandergriff.

Respectfully,

James Bixby,
Chairman.

Registered.

Incl. Ex. B. 774.

See Choctaw R. 500 for registry receipt for this letter.

CHOCTAW D 772

Maude Dibrell

Record transferred to

CHOCTAW. #408.

Chas. D. [illegible]
Ada C. [illegible]

CHOCTAW No 773

Ada G. Buck.

DISMISSED

Wife of George Piper Buck on Choctaw card #5241.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

ADA C. BUCK 7-D-773.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, AUGUST 21, 1902.

---0---

In the matter of the application of Ada C. Buck for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation.

Ada C. Buck being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ada C. Buck.
Q How old are you? A Twenty five.
Q What is your post office address? A Oakland.
Q What nation is that in? A Chickasaw.
Q How long have you resided in the Chickasaw Nation? A Fourteen years.
Q Have you resided in the Chickasaw Nation Indian Territory continously for the past fourteen years? A All except one year.
Q What year was that? A '91.
Q Have you resided in the Chickasaw Nation since ninety one continously? A Yes sir
Q What is your father's name? A George Washington Cox.
Q Is he living? A Yes sir.
Q What's your mother's name? A Mary Alvira Cox.
Q Is your mother living? A Yes sir.
Q Are your parents both white persons? A Yes sir
Q Have either of them ever made any claim to citizenship by blood in any tribe of Indians? A No sir.
Q Have either of them ever drawn any money as members of any tribe of Indians? A No sir.
Q You are a white woman are you? A Yes sir.
Q A citizen of the United States? A Yes sir.
Q Have you ever made any claim to citizenship by blood in any tribe of Indians? A No sir.
Q Have you ever drawn any money as a member of any tribe of Indians? A No sir.
Q Have you ever made application to the tribal authorities, of the Choctaw nation or to the Commission to the Five Civilized Tribes prior to this time? A No sir.
Q The application you are now making is for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A George Piper Buck.
Q How old is he? A Forty.
Q Is he a citizen by blood of the Choctaw nation? A Yes sir.
Q How did he become a citizen of the Choctaw Nation.
A By making application I suppose and was accepted.
Q By whom? A By the Commission.
Q Has he ever been recognized by the tribal authorities as a citizen of the Choctaw Nation? A Yes sir.
Q How? A Why, by being recognized as a citizen.
Q Was he ever allowed to vote? A I suppose so.

The name of George Piper Buck the husband of this applicant appears upon the records of the Commission on Choctaw roll card field number 5241 having been so listed on October 8, 1898 George Piper Buck having been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore Indian Territory June 23, 1897. It does not appear that he has ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that tribe.

Q When did you marry George Piper Buck? A May 29, 1902.
Q Who married you? A Young; I dont know his initials; J.F.
Q Where were you married? A Ardmore.

There is offered in evidence, marked exibit A filed and made a part of the record in this case the written petition of Ada C. Buck to be enrolled as a citizen by intermarriage of the Choctaw Nation attached thereto being the marriage license issued by the Clerk of the United States Court for the Southern District of the Indian Territory May 29, 1902, to G.P.Buck to marry Ada C. Cox; also a marriage certificate of J.F.Young as to the marriage of G.P.Buck and Ada C. Cox on March 30, 1902 said marriage license and certificate being recorded in Book F page 364 of the marriage records of the United States Court for the Southern District of the Indian Territory; there is also attached a certified copy of the judgment of the United States Court for the Southern District of the Indian Territory in the citizenship case of Henry Dutton et al vs the Choctaw Nation by which judgment George Piper Buck was admitted to citizenship in the Choctaw Nation.

Q How long have you known George Piper Buck? A How long have I been personally acquainted with him? A
Q Yes.
A Six months.
Q He has lived in the Chickasaw Nation all that time? A Yes sir.
Q Were you ever married in accordance with the tribal laws of the Chickasaw Nation? A Why I married under a license.
Q You never obtained a license from the Chickasaw tribal authorities? A No sir.
Q The only license you was ever married under was this license obtained from the United States Court at Ardmore? A Yes sir.
Q Was you ever married before you married George Piper Buck?
A No sir.
Q Have you lived together as man and wife since this marriage?
A Yes sir.

---O---

George Piper Buck being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A George Piper Buck.
Q How old are you? A Forty years old.
Q What's your post office address? A Oakland.
Q What nation? A Chickasaw.
Q How long have you resided in the Chickasaw Nation? A I been in the Chickasaw Nation about fourteen years.

Q Resided there continously for the past fourteen years?
A yes sir.
Q You are the husband of this applicant Ada Buck
A Yes sir.
Q Was you ever married before you married her? A Yes sir.
Q To whom? A Lucinda Taylor.
Q Is she living? A No sir.
Q Is she dead? A Yes sir.
Q When did she die? A The 7th of October.
Q Did you live with her up to the time of her death? A Yes sir.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q How did you become a citizen? A Through the courts.
Q Have you ever been recognized by the tribal authorities as a citizen? A Nothing only through the courts.
Q I'm talking about the tribal authorities? A No sir.
Q Have you ever drawn any money as a member of the Choctaw tribe? A No sir.
Q Ever been allowed to vote at an election? A I never did try to vote.
Q You was married to Ada C. Buck May 29, 1902 under a license issued by the clerk of the United States Court for the Southern District of Indian Territory? A Yes sir.
Q Was you ever married to this woman in accordance with the tribal laws of the Chickasaw Nation? A No sir.
Q You have lived together as man and wife since this marriage August 29, 1902? A Yes sir.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of August 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 31 day of August 1902.

B. C. Jones
Notary Public.

Exhibit "A"

[illegible] U[illegible] S[illegible]

[illegible] I[illegible].

PETITION OF

[illegible] A[illegible] C[illegible]

[illegible] C[illegible] I[illegible]

[illegible] TRI[illegible]

Herbert + Damon,

[illegible] Petitioner.

BEFORE THE HONORABLE COMMISSION OF THE

UNITED STATES FOR THE FIVE CIVILIZED TRIBES OF INDIANS.

Petition of Mrs. Ada C. Buck to be enrolled as a member of the Tribe of Choctaw Indians by intermarriage.

To The Honorable Commission above-named:-

The petitioner, Mrs. Ada C. Buck, would most respectfully represent and show to this Honorable Commission, That on the 29th day of May, 1902, she was duly and legally married to G. P. Buck, a member of the tribe of Choctaw Indians, by blood, in accordance with a marriage license, issued the 29th day of May, 1902, by C. M. Campbell, Clerk of the United States court for the Southern District of the Indian Territory, and that the Rev. J. F. Young, an ordained minister of the Gospel performed the marriage ceremony between the petitioner and the said G.P. Buck,--and as evidence thereof, she attaches the original marriage license, aforesaid, marks it "Exhibit A," and makes it a part of this petition.

The petitioner further represents and shows to the Commission, that the said G. P. Buck, in cause #132, entitled and styled "~~G. A.~~ Jenny Dutton et al, vs. The Choctaw Nation," pending on the docket of the United States court for the Southern District of the Indian Territory, recovered a judgment against the Choctaw Nation, establishing his right to citizenship as a member of the Tribe of Choctaw Indians,--a copy of which said judgment is hereto annexed, marked "Exhibit B," and made a part of this petition.

Wherefore, your petitioner prays that she be enrolled by this Honorable Commission, as a member of the tribe of Choctaw Indians by intermarriage.

Herbert & Lawson

Attorneys for Petitioner.

[illegible] Choctaw tribe of Indians by blood and as such are

1/

Mrs. Ada C. Buck, being duly sworn, upon oath, states, that the statements in the foregoing petition are true;

And the affiant further states that the name of G. P. Buck to whom she was married, as stated in the foregoing petiton, is George Piper Buck.

Ada C. Buck

Subscribed and sworn to before me on this the 15th day of July, A.D., 1902.

Ed Walker

Notary Public, Southern District,
Indian Territory.

all members of the Choctaw Tribe of Indians by blood and as such are

"Exhibit B"

IN THE UNITED STATES COURT, INDIAN TERRITORY, SOUTHERN DISTRICT.

99th Day Nov. 1897 Term. Thursday Mar. 10th 1898.

132. Henry Dutten, et als. }
Cheetaw Nation. } JUDGMENT.

Now at this time came on to be heard the report of the Master in Chancery, filed herein on the 23rd day of June 1897, in causes No. 131, entitled Martha Buck, et al, vs. Cheetaw Nation, and No. 132, entitled Henry Dutten et al. vs. Cheetaw Nation heretofore consolidated by order of this Court as No. 132 entitled and styled Henry Dutten et al vs. Cheetaw Nation, and at the same time came the applicants by their attorneys, and it appearing to the Court that the applicants herein, through their attorneys, have excepted to the report of said Master in Chancery, wherein he recommends that the applicants be denied the rights to have their names enrolled as members of the tribe of Cheetaw Indians, and the Court after hearing said exceptions, and being fully advised in the premises is of the opinion that said exceptions should be and the same are hereby sustained, and that said Master's report should be and the same is in all things overruled, and it appearing to the Court from the evidence that all the applicants are members of the Cheetaw tribe of Indians, it is therefore considered, adjudged and decreed by the Court that Henry Dutten, James H. Dutten, Robt. Dutten, Stephen A. Dutten, David C. Dutten, and Mrs. Lelia Thorn, Virgie Dutten, Mary L/ Dutten, Jessie Dutten, Dora V. Dutten, Maggie Dutten, Menta Dutten, Della Dutten, Beulah Dutten, Bertie Dutten, Sherman E. Dutten, Hattie B. Thorn, Frank Thorn, and Roy Dutten and Mrs. Martha Buck, Mary Caroline Taylor, George Piper Buck, Joseph Franklin Buck, Thomas Jefferson Buck, Lela G. Parker, Ora Allen Jacks, Fitzgerald Buck, Wm. R. Buck, Clarence Buck, Robt. Taylor, Elizabeth Taylor, Virgie Taylor, Andrew Taylor, Jessie Taylor, Ida Taylor, Oscar Taylor, Ora Taylor, Martin Taylor, Rosa Buck, Erastus Buck, Ora May Buck, Clinton Buck, Alma Buck, Linden Parker, George Washington Jacks, and J. G. Buck, are all members of the Cheetaw Tribe of Indians by blood and as such are

entitled to have their names enrolled as members of said tribe of Choctaw Indians by blood, except as to the said Henry Dutton and J. G. Buck, who are members of said tribe by intermarriage. It is further ordered, adjudged and decreed by the Court that the Choctaw Nation, the defendant, pay all costs in this behalf expended and incurred, for which execution may issue, to which judgment of the Court, the defendant, the Choctaw Nation in open Court duly excepted.

United States of America.)
Indian Territory.)
Southern District.) I, C. N. Campbell, Clerk of the United States Court within and for the Southern District of the Indian Territory, do hereby certify that the above and foregoing to be a true and correct copy of the Judgment in Cause No. 132, Henry Dutton et al., vs. Choctaw Nation, as the same appears of record in my office.

In testimony whereof, witness my hand and seal, this 15th day of July 1902.

C N Campbell Clerk.

132

Henry Dutton
plaf
vs
Choctaw Nation

702

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } scl.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of,

MR. G. P. Buck,

AND

Miss Ada C. Cox

were filed in my office in said Territory and District the 10 day of June A. D. 1902, and duly recorded in Book F of Marriage Record, Page 364.

WITNESS my hand and Seal of said Court, at Ardmore, this 2 day of July A. D. 1902.

C. M. Campbell
Clerk.

☞ Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper [illegible]

Ardmoreite Steam Print

[illegible] 1902

C. M. CAMPBELL, Clerk.
Southern Dist. Ind. Ter.

MARRIAGE LICENSE.

[redacted]

"Exhibit a"

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. J. P. Buck, of Oakland in the Indian Territory, aged 40 years, and Miss Ada C Cox, of Oakland in the Indian Territory, aged 25 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 29" day of May, A. D. 1902

E. M. Campbell
Clerk of the United States Court.

Deputy.

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } ss:

I, J. A. Young
a Minister

do hereby certify, that on the 29 day of May, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 30 day of May, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, Page —

NOTE—The person officiating should fill in the spaces for book and page and sign here.

J. A. Young
a Minister

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

7-D-773.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ada C. Buck as an intermarriaed citizen of the Choctaw Nation.

The applicant, Ada C. Buck, claims her right to enrollment as an intermarried citizen of the Choctaw Nation by reason of her marriage to one George Piper Buck. The right of the applicant's husband, George Piper Buck, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case number 97 upon the Tishomingo docket of said court, it is hereby ordered that the application of Ada C. Buck for enrollment as an intermarried citizen of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,
OCT 25 1904

Choctaw D 773

COPY.

Muskogee, Indian Territory, October 25, 1904.

Ada C. Bunk,

Oakland, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-773.

Choctaw D 773

COPY.

Muskogee, Indian Territory, October 25, 1904.

Herbert & Cannon,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing the application for the enrollment of Ada C. Buck as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-773.

Choctaw D 773.

COPY.

Muskogee, Indian Territory, October 28, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated October 28, 1904, dismissing the application for the enrollment of Ada C. Buck as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. 7-D-773.

CHOCTAW.

D 774

James E. Moran et al.

Records transferred to

CHOCTAW 5852

CHOCTAW

Hazel Bell Bolling

Transferred to Choctaw
#4095 JAN 23 1905

CHOCTAW 776

John A Underwood

Transferred to Choctaw
7485 JAN 28 1905

Chas. D. [illegible]
John L. LaFlare

John C. Leflore, et al

REFUSED FEB 25-1903

COPY OF DECISION FORWARDED
APPLICANT FEB 25 1903

[redacted] FEB 25 1903

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT FEB 25 1903

RECORD FORWARDED DEPARTMENT
FEB 25 1903.

ACTION APPROVED BY
SECRETARY OF INTERIOR.
APR 1 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
APR 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.
APR 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
APR 18 1905

ne 15.1903. Dept. instructs that applic
allowed 30 days for submission
argument.
6.4.1903 applicants and attorne
tified that they have been allo
days to introduce argument
19.1903. Report to Department

C-2-777.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 27, 1902.

------:------

In the matter of the application of John L. LeFlore for the enrollment of himself and his two minor children, John and Charles Stanford LeFlore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation.

Applicants represented by William J. Horton, Attorney.

John L. LeFlore, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A John L. LeFlore.
Q How old are you? A I am sixty-two years old, now.
Q What is your post office address? A How?
Q What is your post office address? A Valley Hill, Mississippi.
Q How long have you been a resident of Mississippi? A I don't know exactly. I have lived there except a short time for nearly twenty years.
Q How long continuously have you been a resident of Mississippi? A Well, you might say twenty years.
Q Where did you live during that time besides in Mississippi? A Well, since I have been back?
Q During that twenty years? A Well, nearly all the time. I was back in the Territory.
Q You were back in the Indian Territory? A Yes sir, about the last registration of the Choctaws. I enrolled.
Q Did you just come here on a visit? A We come to stay, but went back to sell out and move and didn't get back.
Q What was the name of your father? A William LeFlore.
Q Was your father a Choctaw Indian? A Yes sir, by blood. His mother was a Choctaw.
Q What was the name of your mother? A Martha Walker. She was a Walker.
Q Was your mother a Choctaw Indian? A No sir, all the Indian blood she had was Creek.
Q Part Creek and the rest white? A Yes sir.
Q How much Creek had she? A I think she was an eighth.

John L. LeFlore, 2.

Q You are now making application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.
Q How much Choctaw blood do you claim? A I have got something over an eighth. Well, about an eighth of Choctaw blood. My father was a quarter, as I have always understood it.
Q And you are claiming your Choctaw blood through your father? A Yes sir.
Q Was your father a recognized and enrolled citizen of the Choctaw Nation? A He moved here in time of the treaty from Mississippi in the early days and lived here four years and went back to Mississippi and died there. His health was very bad here and he concluded that the country didn't agree with him, was my understanding. He went back to Mississippi and died there and my mother moved here.
Q But your father lived in the Territory four years? A When it was first settled.
Q When it was first settled, and then returned to Mississippi and died there? A Yes sir.
Q Are you a recognized and enrolled citizen of the Choctaw Nation? A Yes sir, I have lived with them and voted with them and recognized as a citizen for years

On an examination of the rolls of the Choctaw Nation in the possession of the Commission, the name of the applicant, John L. LeFlore, is identified on the 1896 Choctaw census roll, page 206, as No.8272, duly enrolled as a citizen by blood of the Choctaw Nation.

Q Are you making application for anyone besides yourself? A Well I have a wife and two children.
Q Are you making any application for them? Are your children under age? Minors? A Yes sir, yes sir.
Q What are the names of these children? A The eldest one is named John and the youngest one is Charles Stanford.
Q Please state their ages? A The eldest one is about three, and the other about a year and a half.
Q What is the name of your wife? A Alma.
Q Alma? A Yes sir.
Q That is her full name? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Are you making application for her for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes.
Q Where were you married? A Last time in Mississippi.
Q Had you ever been married before? A Yes sir, I married here in the Territory.
Q What was the name of that wife? A Harkins.
Q Harkins? A Yes sir.
Q Give her full name? A Cordelia Harkins
Q Is your former wife dead? A Yes sir.
Q When did she die? A She died-----I couldn't tell you the year now.

John L. LeFlore, 3.

Q Give it approximately. About how many years ago? A She's been dead about twenty-nine years. I can't recollect the date.
Q About twenty-nine years? A Yes sir.
Q When were you married to your present wife? A About four years ago, or a little over.
Q Have you any evidence of your marriage to your present wife with you? A Yes sir.

The applicant offers in evidence, which is marked "Exhibit A" and filed with the record in this case, certified copy of the marriage certificate of Mr. J. L. LeFlore and Miss Alma Marshall, said marriage being solemnized on April 14, 1898, and the said certificate being recorded on the same date with the Circuit Clerk of Carroll County, Mississippi.

Q At the time of your marriage to your present wife was there any legal obstacle in the way of said marriage? A No, not that I know of, sir.
Q Had your wife ever been married before? Your present wife? A No sir.
Q You are at present living together as husband and wife? A Yes sir.
Q Mr. LeFlore, you are at present a resident of Mississippi? The state of Mississippi? A Yes sir.
Q Have you ever removed to or in good faith settled in Indian Territory? A Yes sir. Not right lately. I have always intended to come back.
Q Well, did you ever remove to the Territory and make it your residence? A Did I ever? Oh! yes, I lived here over twenty years as a citizen.
Q When was that, that you were living in the Territory? A From '58, I believe, on up twenty years.
Q From 1858 for about twenty years? A Yes sir.
Q Till about '78 then, 1878? A Yes. I haven't been here only a short time of the time since that.
Q But for this twenty years you were a resident of the Territory continuously? A Yes sir.
Q Then along about 1878 you returned to Mississippi? A Yes sir.
Q You have made that your home ever since that date? A Yes sir, except a short time. Most of the time. But I haven't been back here since the registration on that last roll, Cheetaw roll. That's about five years, ain't it.
Q At that time you were just back here for a few months? A Yes sir.
Q Didn't make the Territory your home? A No sir, I didn't stay more than two months. I thought I'd come to stay, but I went back to settle up my business and didn't get off.

Examination by Attorney.

Q You said that you went back and------you said you returned to Mississippi to settle up your business. What do you mean by that? A Selling out and coming back here.
Q Why were you prevented from getting off? A The last time? That is coming back?
Q Yes. A Not being able to sell out.
Q State the circumstances under which------under which you left in 1878 for Mississippi. A After my wife died I left here. I thought it was better in Mississippi. I took Florence to Mississippi to educate her.
Q Who is Florence? A My daughter.
Q Did you own lands here, or occupy lands here while you were here from 1858 to about 1878? A Yes sir, farmed and raised stock.
Q Well, was your first wife, Cordelia Harkins, married by you in the Indian Territory? A Yes sir.
Q How long did you live with her? A About nine years, I think it was.
Q Did she die during that time? A Yes sir, died near Atoka. About nine miles from Atoka.
Q Was she of the Harkins family who now live at Atoka? A Yes sir, she was W. J. Harkins daughter.
Q Was she related to the Folsoms? A Yes sir, her mother was a Folsom.
Q What Folsom was her mother? A Well, I don't remember. I believe her name was Salina. Colonel David Folsom's daughter. I am not positive about that, but I think that was her name. She was a sister of Judge Folsom---Henry Folsom.
Q What was her citizenship? A She was a Choctaw. Raised here in the country. Her father emigrated here with the Choctaws.
Q You may state whether she was a Choctaw by blood? A Yes sir, she was a Choctaw by blood. I didn't understand you.
Q How soon after her death did you leave to go over to Mississippi? A I think it was about a year. Well, I don't think it was more than a year.
Q How come you to go back to Mississippi? A Well sir, I just had nobody but this little girl, one child, and I just thought I would take her back there. A good many relatives there and raise her up there. I could do better by her than I could here at that time.
Q You said that when you were out here the last time, some five or six years ago that you returned to Mississippi for the purpose of selling out and coming back to the Territory? A Yes sir.
Q Was that your full purpose in good faith? A Yes sir, as good as ever I had for anything.
Q Have you changed that purpose since you went back? A No sir, I intended to come and still intend to come.
Q Did you have any children by that first marriage? A Yes sir.
Q How many? A Four.
Q Are any of them living? A None living but one, Florence.

John L. LeFlore, S.

Q Who is that one? A McBride. Florence McBride.

Re-examination by the Commission.

Q Mr. LeFlore, during your first residence in Indian territory from 1858 to 1878 you stated you had some land here? A Had which?
Q Did you have some land in the Territory at that time? A Yes sir, yes sir.
Q You were settled on that land and worked it? A Yes sir, farmed and raised stock.
Q When you returned to Mississippi did you give up that place? A yes sir, I did. Sold the improvements.
Q And from that time----from about 1878 to the present time you have never located on any land in the Indian Territory? A No sir, I have a place, but it's contracted to be improved.
Q But you have never located on any place as your residence? A No sir.
Q You stated that you had a contract for the improvement of a place subsequent to 1878? A Yes sir.
Q What is the nature of that contract? A To fence it. Fence a piece of land.
Q Land located in the Choctaw Nation? A Yes sir.
Q For whom were you to fence this land? A Greenwood LeFlore for me.
Q Greenwood LeFlore was to fence the land for you? A Yes sir.
Q Do you intend to make this place your residence upon your return to the Territory? A Yes sir.
Q You stated that in 1895 or '96 when you were back to the Territory upon your return to Mississippi you intended to settle up your affairs and come back to the Territory? A Yes sir.
Q What is the reason you haven't returned up to the present time? A Well, I haven't been able to sell out and get what I had there straight so I could move. Get the money for it.
Q It has always been your intention as soon as you could settle up your affairs to move to the Territory, has it? A Yes sir.
Q The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of Section twenty-one, provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Q Mr. LeFlore, do you, for yourself and your minor children, make any claim to identification as Choctaw Indians, claiming rights in the Choctaw lands under the said article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty? A I don't know.
Q That's simply Mississippi Choctaw. Do you claim as a Mississippi Choctaw? A No sir, never claimed that.
Q Mr. LeFlore, were you in Indian Territory in 1892 or 1893? A I wasn't living there at that time.
Q Did you draw what is known as the leased district payment as a citizen of the Choctaw Nation? A Yes sir, I got that. I didn't draw it myself. It was drawn for me.
Q Who drew that for you? A Dr. Green had it and I thought he drew it, but the records don't show it.
Q Is he a citizen of the Choctaw Nation? A He was at that time by marriage.
Q What is his full name? A George Bulleck Green.

The rolls of the Choctaw Nation in the possession of the Commission carefully examined and the name of the applicant, John L. LeFlore, not found upon the 1893 leased District payment roll of citizens of the Choctaw Nation?

Re-examination by attorney.

Q You actually received the leased district payment? A Yes sir.
Q Who handed it to you? A Dr. Green have it to one of my sisters.
Q For you? A Yes sir.
Q You don't know who drew it for you? A No sir. He was to get it and I just supposed that he drew it, but I reckon he didn't.
Q Did you ever make any inquiry as to the particular person who drew it? A No sir, never asked any questions about it.
Q Well, the failure of the Choctaw records to show it may be due to the fact that you are unable to name the person who drew it for you? A It might be.

By the Commission.

The application for the enrollment of yourself and your two minor children as citizens by blood of the Choctaw Nation has been placed upon the records of the Commission and as soon as the same has been taken up for final consideration you will be advised at your present post office address of the decision of the

John L. LaFlore, 7.

Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

------:------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on August 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of August, 1902.

Hal Belford

Subscribed and sworn to before me this 28" day of August, 1902.

B O Jones

Notary Public.

C O P Y

THE STATE OF MISSISSIPPI.
C A R R O L L C O U N T Y.

By virtue of a license from the Clerk of the Circuit Court, of said County of Carroll, first District, I have this day celebrated the rites of matrimony between Mr. J. L. Leflore and Miss Alma Marshall.

Given under my hand this the 14th day of April, A. D. 1898.

(signed) J. Loten Barnes, M. G.

Certificate of marriage filed for record Apl 14, 1898, and recorded Apl 14, 1898.

(signed) J. P. Nabors, Circuit Clerk

I, J. P. Nabors, Circuit Clerk of Carroll County, State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of the certificate of marriage of J. L. Leflore to Miss Alma Marshall as the same appears of record in book "O" page 115 of the record of marriages of said county now on file in my office.

Witness my hand and seal of Office this August 23d 1902.

(signed) J. P. Nabors, Clerk.

The following is stamped on back,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 27 1902

Choctaw — Indexed

IN RE

Application for Enrollment of

INFANT CHILD

John LaFlore

as a citizen of the

Choctaw Nation.

Approved Sep 20 1902

(signed) James Bisby

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1902

ACTING CHAIRMAN.

Choctaw
D-777

BIRTH AFFIDAVIT. Boy 20 M

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of John LeFlore (Jr) (Here insert name of child.), born on the 28 day of February, 1899 ~~190~~
Name of Father: John L LeFlore, a citizen of the Choctaw Nation.
Name of Mother: Alma LeFlore, a citizen of the U. S. Nation.
Post-Office: Valley Hill, Miss

AFFIDAVIT OF MOTHER.

The ~~UNITED~~ STATES OF ~~AMERICA~~ Mississippi,
~~INDIAN TERRITORY,~~
Carroll County District.

I, Alma LeFlore, on oath state that I am 33 years of age and a citizen, ~~by~~, of the United States Nation; that I am the lawful wife of John L LeFlore, who is a citizen, by blood, of the Choctaw Nation, that a male (Male or female) child was born to me on the 28 day of February 1899 ~~190~~; that said child has been named John LeFlore, and is now living.

(signed) Alma LeFlore,

~~MARKS TO MARK:~~

(~~Must be Two Witnesses.~~)

(Seal)

Subscribed and sworn to before me this 3 *day of* Sept 1902

Sam H Hart Clerk
~~Notary Public.~~
By B P Chatham D.C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

~~UNITED~~ STATES OF ~~AMERICA~~ Mississippi,
~~INDIAN TERRITORY,~~
~~Carroll County District.~~

I, A O. Liddell, a ~~regular practicing physician~~, on oath state that I attended on Mrs. Alma LeFlore, wife of John L LeFlore, on the 28 day of February 1899, ~~190~~; that there was born to her on said date a Male (Male or female.) child; that said child is now living and is said to have been named John LeFlore.

(Signed) A O Liddell

~~MARKS TO MARK.~~

(~~Must be Two Witnesses.~~)

(Seal)

Subscribed and sworn to before me this 3 *day of* Sept 190

Sam H Hart Clerk
~~Notary Public~~
By B P Chatham D.C.

Choctaw — Entered

IN RE

Application for Enrollment of

INFANT CHILD

Charles Stanford Letlow

as a citizen of the

Choctaw Nation.

Approved Sep 30 190

(signed) James Bixby
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 30 1902

ACTING CHAIRMAN.

Choctaw
5-777

BIRTH AFFIDAVIT. Lefloe 80

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Charles Stanford LeFlore (Here insert name of child.), born on the 18 day of April, 1901
Name of Father: John L. LeFlore, a citizen of the Choctaw Nation.
Name of Mother: Alma LeFlore, a citizen of the U. S. Nation.
Post-Office: Valley Hill, Miss.

AFFIDAVIT OF MOTHER.

The ~~UNITED~~ STATES OF ~~AMERICA~~, Mississippi
INDIAN TERRITORY,
~~Carroll County~~ ~~District.~~

I, Alma LeFlore, on oath state that I am 33 years of age and a citizen, ~~by~~, of the U. S. ~~Nation~~; that I am the lawful wife of John L. LeFlore, who is a citizen, by blood, of the Choctaw Nation, that a Male (Male or female.) child was born to me on the 18 day of April 1901; that said child has been named Charles Stanford LeFlore, and is now living.

(Signed) Alma LeFlore

~~WITNESSES TO MARK.~~

(~~Must be Two Witnesses.~~)

(Seal)

Subscribed and sworn to before me this 8 *day of* Sept 1902.

(Signed) Saml Hart Clerk
~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

The ~~UNITED~~ STATES OF ~~AMERICA~~, Mississippi
INDIAN TERRITORY,
~~Carroll County~~ ~~District.~~

I, O. A. Liddell, ~~a regular, a practicing physician~~, on oath state that I attended on Mrs. Alma LeFlore, wife of John L. LeFlore, on the 18 day of April, 1901; that there was born to her on said date a Male (Male or female.) child; that said child is now living and is said to have been named Charles Stanford LeFlore

(Signed) O. A. Liddell

~~WITNESSES TO MARK.~~

(~~Must be Two Witnesses.~~)

Subscribed and sworn to before me this 8 *day of* Sept 1902.

(Seal) (Signed) Saml Hart Clerk
~~Notary Public.~~

C o p y.

D. C. No. 15046-1902

Hugo, I. T. Sept.29-1902.

Hon. Dawes Com
Muskogee, I. T.

I am in receipt of a letter from Mr. John L. Lefflore asking me to state to your Hon body whether I drew his leased land money when it was paid to the Choctaws in 1895. I will say I did. Mr. Lefflore lived here a good many years. He married at Boggy Depot Choctaw where his wife and part of his family is burried. He has been back and forth to the Territory since he returned to Miss in 1878 I believe. He is recognized as a bona fide citizen of the Choctaw Nation. For further particulars in regard to him see Capt Chas Leflore, Lime Stone Gap, I. T.

Yours truly,

G. E. Green.

Stamped on back as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 9 1902

P D-777.
L.E.E.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John L. LeFlore for the enrollment of himself and his two minor children, John and Charles Stanford LeFlore, as citizens by blood, and for his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that John L. LeFlore appeared before the Commission at its office in Muskogee, Indian Territory, on August 27, 1902, and made personal application for the enrollment of himself and his two minor children, John and Charles Stanford LeFlore, as citizens by blood, and for his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation.

It further appears from the evidence submitted and the records in the possession of the Commission that the principal applicant, John L. LeFlore, is a recognized and enrolled citizen of the Choctaw Nation; that he was on April 14, 1896, married to Alma Marshall, a non-citizen white woman, and that the minor applicants, John and Charles Stanford LeFlore, are the offspring of said union, proof of their birth having been filed with the Commission September 30, 1902.

It further appears from the evidence submitted and the records of the Commission that the name of the principal applicant, John L. LeFlore (written Jno. L.), is identified on the 1896 Choctaw census roll, No. 8272; that the minor applicants, John and Charles Stanford LeFlore, having been born subsequent to the preparation of the last roll of the Choctaw Nation, their names are not found upon any of the tribal rolls of the Choctaw Nation; that the applicant, Alma LeFlore, is a non-citizen white woman and has never been recognized or enrolled as a citizen by the Choctaw tribal authorities.

It further appears from the evidence submitted that said applicants were not residents in good faith of Indian Territory on June 28, 1898, but that the principal applicant has been a resident of the State of Mississippi for the past twenty years; that the applicant, Alma LeFlore, was a resident of the State of Mississippi at the time of her marriage, and has never been a resident of Indian Territory; that the minor applicants, John and Charles Stanford LeFlore, were born in the State of Mississippi subsequent to June 28, 1898, and have never been residents of Indian Territory.

It is therefore the opinion of this Commission that the application for the enrollment of John L. LeFlore, John LeFlore and Charles Stanford LeFlore as citizens by blood of the Choctaw Nation should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Alma LeFlore as a citizen by intermarriage of the Choctaw Nation should also be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 25 1903

COPY.

Choctaw D-777

Muskogee, Indian Territory, February 25, 1903.

John L. LeFlore,

Valley Hill, Mississippi.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself, your minor children, John LeFlore and Charles Stanford LeFlore and of your wife, Alma LeFlore as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Registered.

Enc. I.B.S. 39.

COPY.

Choctaw D-777

Muskogee, Indian Territory, February 25, 1903.

William J. Horton,

Attorney-at-Law,

Durant, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of John L. LeFlore, his two minor children, John LeFlore and Charles Stanford LeFlore, and of his wife, Alma LeFlore as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is t is day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Registered.

Reg. I.B.S. 40.

COPY.

Choctaw D-777

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of John L. LeFlore, his two minor children, John LeFlore and Charles Stanford LeFlore and of his wife, Alma LeFlore as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Enc. I.B.S. 41.

COPY.

Muskogee, Indian Territory, February 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John L. LeFlore for the enrollment of himself, his two minor children, John LeFlore and Charles Stanford LeFlore and of his wife, Alma LeFlore as citizens of the Choctaw Nation, including the decision of the Commission dated February 25, 1903, denying said application.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Choctaw No. 777

Through the
Commissioner of Indian Affairs.

Choctaw D 777

Muskogee, Indian Territory, March 20,1906.

William J. Morton,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 17, inclosing Motion for Rehearing in the case of John L. LeFlore, et al., applicants for enrollment as citizens by blood of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that on February 23, 1903, the Commission rendered its decision refusing the application of John L. LeFlore, et al. for enrollment as citizens by blood of the Choctaw Nation, and on the same date the record in the case was transmitted to the Secretary of the Interior. The Motion for Rehearing forwarded by you has therefore been transmitted to the Secretary of the Interior for consideration in connection with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 20,1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the motion of the attorney for the applicants in the matter of the application of John L. Le Flore, et al. for enrollment as citizens by blood of the Choctaw Nation for a rehearing in said case, for consideration in connection with the original record which was forwarded for departmental consideration on February 25, 1903.

Respectfully,

Chairman.

Choctaw D 779.

Land.
13852-1903.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, June 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report from the Commission to the Five Civilized Tribes, dated February 25, 1903, transmitting the record relative to the application of John L. LeFlore, for the enrollment of himself and his two minor children, John and Charles Stanford LeFlore, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation.

February 25, 1903, the Commission held that the applicants were not entitled to enrollment.

The record in the case shows that John L. LeFlore is a recognized and enrolled citizen of the Choctaw Nation; that on April 14, 1898, he married Alma Marshall, a white woman, and that the minor applicants above mentioned are the offspring of that marriage. The minor children are properly identified by birth affidavits. John L. LeFlore is identified by the 1896 Choctaw Census roll.

From the evidence it appears that the applicants were not residents of the Indian Territory on June 28, 1898 but that the principal applicant was a resident of the State of Mississippi, and that his wife was a resident of that State at the time of their marriage. The minor applicants were born in the State of Mississippi subsequent to June 28, 1898.

The principal applicant testified on August 27, 1902, that his post office address was Howe, (Presumably Howe, Indian Territory), also that it was Fort Valley, Mississippi; that he was in the Territory during the last registration; that he came to stay, but went back to sell out and move, "and did not get back"; that his father was a recognized and enrolled citizen of the Choctaw Nation; that he moved to the Indian Territory in the early days and lived there four or five years and then went back to Mississippi; that he had lived in the Choctaw Nation, and had voted and been recognized as a citizen for years; that he was at the time of his testimony a resident of Mississippi; that he had previously resided in the Indian Territory over twenty years, from about 1858 to 1878; that he had not been back in the Indian Territory since last registration, which was about five years previous to his testimony probably the year of 1896; that he thought he came to stay but went back to Mississippi to settle up some business and was unable to return; that he occupied lands in the Indian Territory from 1858 to 1878; that after the death of his wife he returned to Mississippi with his child in order that his relatives might raise her; that he still intends to return to and make his home in the Indian Territory; that none of his children by his first wife are living, except Florence McBride, nee LeFlore; that he has a place in the Indian Territory, "but its contracted to be im"proved"; that he has never located in any place as his residence, and that he has been unable to remove to the IndianTerritory because he has not "been able to sell "out and get what I (he) had there straight, so I (he) "could move. Get the money out of it."

The record in the case shows conclusively that the principal applicant is a recognized and enrolled citizen of the Choctaw Nation;

that he lived in the Choctaw Nation from about 1858 to 1878 and was during that time a recognized citizen of the Nation; that he voted and took part in the tribal affairs of the Nation; that he occupied lands within the limits of the Nation, and that he never removed from the Nation with the intention of not returning. He testified that he removed to Mississippi for the purpose of having his motherless child properly raised.

It is thought by the office that the applicant, if he removes to the Indian Territory prior to the time the rolls are finally closed he will be entitled to enrollment. If he is entitled to enrollment it necessarily follows that his wife and minor children are entitled to enrollment, inasmuch as he married her prior to September 25, 1902, the date of the ratification of the Choctaw and Chickasaw supplemental agreement, his wife as an intermarried citizen and his minor children as citizens by blood. He did not marry his wife in accordance with the laws of the Choctaw Nation, but the office understands that it wasnnot the custom to require citizens who married white women to comply with the laws of the Nation relative to intermarriage; furthermore, article 38 of the treaty of 1866 provides, in effect, that intermarried citizens shall have the same rights as native Choctaws.

It is therefore respectfully recommended that the Commission's decision be not approved, and that the Commission be instructed to notify the principal applicant that upon his bona fide removal to the Indian Territory he will, together with his wife and minor children, be enrolled as citizens of the Choctaw Nation.

In connection herewith attention is respectfully invited to Department letter of May 21, 1903, (ITD. 3836), relative to the application of James Thom, et al., for enrollment as Choctaws.

Very respectfully,

W.A. Jones,
Commissioner.

GAW-O.

D.C. 17543 Copy 37340 TP.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 5072-1903. June 15, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On June 11, 1903, the Commissioner of Indian Affairs submitted the Choctaw enrollment case of John LeFlore, et al., and recommended that your decision adverse to the applicants be not approved. A copy of his letter is inclosed.

It is directed that you advise the principal applicant and the attorneys for the Choctaw Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed within which to file any argument they may desire; that a copy of such argument must be served on the opposite party.

The Department has always suspended action in enrollment cases for thirty days from your notice to the applicants and the Nation of the submission of the case, to allow argument to be filed. It will hereafter, in enrollment cases, follow the practice hereby established.

Respectfully,
E.A. Hitchcock,
Secretary.

1 inclosure.

Choctaw-B-777

COPY.

Muskogee, Indian Territory, September 4, 1903.

John L. LeFlore,

Valley Mill, Mississippi.

Dear Sir:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of your application for the enrollment of yourself, your minor children, John LeFlore and Charles Stanford LeFlore, as citizens by blood, and of your wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1903, for the submission of argument, copy of such argument to be served upon the opposite party.

You are further advised that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Choctaw-R-777

COPY.

Muskogee, Indian Territory, September 4, 1906.

William J. Norton,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of the application of John L. LeFlore for the enrollment of himself, his minor children, John LeFlore and Charles Stanford LeFlore, as citizens by blood, and of his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1906, for the submission of argument, copy of such argument to be served upon the opposite party.

A copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Enc. HG. 2/3

Choctaw-R-777

COPY.

Muskogee, Indian Territory, September 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of the application of John L. LeFlore for the enrollment of himself, his minor children, John LeFlore and Charles Stanford LeFlore, as citizens by blood, and of his wife, Alma LeFlore, as a citizen by intermarriage of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 2, 1903, for the submission of argument, copy of such argument to be served upon the opposite party whose postoffice address is Valley Mill, Mississippi.

A copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

Tams Bixby.

Chairman.

Enc. No. 2/4

C O P Y.

7-D-777

Muskogee, Indian Territory, October 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 25, 1903, the Commission had the honor to transmit the record of proceedings in the matter of the application made by John L. LeFlore for the enrollment of himself and his two minor children, John and Charles Stanford LeFlore and of his wife, Alma Le Flore, as citizens of the Choctaw Nation, including the decision of the Commission of February 25, 1903, refusing said application.

With Departmental letter of June 15, 1903, (I.T.D.5072-1903) the Commission was directed to advise the principal applicant in the above case and the attorneys for the Choctaw Nation that they would be allowed thirty days from date of notice within which to file any argument they might desire and that a copy of such argument must be served upon the opposite party.

In accordance with said Departmental instructions the Commission on September 4, 1903, advised John L. Le Flore at Valley Hill, Mississippi, and his attorney, William J. Horton, at South McAlester, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirty days from that date or up to and inclusive

of October 4, 1903, within which to submit any such argument as they might desire in support of their contentions in the above referred to case, copies of such argument to be served upon the opposite party. Mr. Horton and Mansfield, McMurray & Cornish were also furnished with copies of departmental letter of June 16, 1903, (I.T.D.5072-1903) and of the report of the Commissioner of Indian Affairs of June 11, 1903 (Land 13852-1903).

On September 21 we were in receipt of a communication from Messrs Mansfield, McMurray & Cornish, the attorneys for the Choctaw Nation, under date of September 17, 1903, in which they use the following language:

"We are this day forwarding to the Commission to be transmitted to the Honorable Secretary of the Interior, a letter in which we request on behalf of the Choctaw and Chickasaw Nations that decisions in all contested Choctaw and Chickasaw citizenship cases be deferred until the Choctaw and Chickasaw Citizenship Court passes upon cases pending before it involving parallel and identical questions.

The case of John L. LeFlore above referred to, Choctaw D 777, is included in the class to which this general letter refers and the purpose of this letter is to request that no further action be taken in regard thereto until such general letter is acted upon."

The letter of Mansfield, McMurray & Cornish to the Secretary of the Interior has heretofore been transmitted to the Department.

On September 23, 1903, in acknowledging receipt of the letter of Messrs Mansfield, McMurray & Cornish of September 17,1903, we advised them that inasmuch as this case had passed beyond the jurisdiction of the Commission we did not see how it was possible to

comply with their request to withhold any further action therein until after the action of the Cherokee-Chickasaw Citizenship Court upon cases pending before it involving parallel and identical questions.

The Commission has to advise that no argument has been submitted by or on behalf of the applicants or the Cherokee and Chickasaw Nations within the thirty days specified in our letter of September 4, 1903, and the matter is now reported to the Department for such action as may be deemed advisable therein.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, February 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 25, 1903, the Commission rendered a decision denying the application for the enrollment of John L. LaFlore, his minor children, John LaFlore and Charles Stanford LaFlore, and his wife, Alma LaFlore, as citizens of the Choctaw Nation, and on the same day forwarded the Department the original record in said case, together with the decision of the Commission therein, and also notified the principal applicant, the attorney for applicants and the attorneys for the Choctaw and Chickasaw Nations of the action of the Commission in denying said application.

On June 15, 1903, the Department instructed the Commission to advise the principal applicant and the attorneys for the Choctaw Nation of the recommendation of the Commissioner of Indian Affairs, that thirty days from date of such notice be allowed within which to file any argument they might desire and that a copy of such argument must be served on the opposite party.

On September 4, 1903, in accordance with said departmental letter of June 15, 1903, the Commission advised the principal applicant, John L. LaFlore, the attorney for applicants, William F. Norton

and the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray and Cornish, that they would be allowed thirty days from that date, or up to and inclusive of October 4, 1903, for the submission of argument in said case, a copy of such argument to be served upon the opposite party.

On October 19, 1903, the Commission advised the Department that no argument had been submitted by or on behalf of the applicants or the Choctaw and Chickasaw Nations within the thirty days specified in our letter of September 4, 1903, and that the matter was then reported to the Department for such action as might be deemed advisable therein.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
& inclosure (W. P. 9-2-777).

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

Land.
11437-1904. (COPY) WASHINGTON March 14, 1904.

The Honorable,

the Secretary of the Interior.

Sir:

There is enclosed herewith report from the Commission to the Five Civilized Tribes, dated February 6, 1904, transmitting protest of the attorneys for the Choctaw and Chickasaw Nations that Departmental decision be not rendered in the matter of the application of John L., John, Charles Stanford and Alma LeFlore, for enrollment as citizens of the Choctaw Nation, until final decision has been made by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., for the reason that the questions involved in the LeFlore case are similar to those in the Armstrong case.

The record in this case was transmitted to the Department with office report of June 11, 1903, (Land 13852), and for the reasons therein stated it was recommended that the decision of the Commission adverse to the applicants be not approved and that the Commission be instructed to notify the principal applicant that upon his bona-fide removal to the Indian Territory, he and the other applicants would be enrolled as citizens of the Choctaw Nation.

June 15, 1903, the Department instructed the Commission to

advise the principal applicant and the attorneys for the Chester May Chickasaw Nations of the recommendation of this office, and allow them thirty days within which to file argument.

Very Respectfully,

A. G. Turner,

Acting Commissioner.

G.A.W.-L.C.

(C O P Y) (COPY)

I.T.D.
5072-1903.

J.R.W.
W.C.F.
S.V.P.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General,

Washington, March 24, 1904.

The Secretary

of the Interior.

Sir:

I received by reference of July 5, 1904, the record of the Commission to the Five Civilized Tribes in the application of John L. LeFlore for enrollment of himself and two minor children, John and Charles LeFlore, as citizens by blood of the Choctaw Nation, with request for my opinion thereon.

August 27, 1902, LeFlore was heard before the Commission and February 25, 1903, his right was denied because he was not June 28, 1898, a resident in good faith of the Indian Territory. June 11, 1903, the Indian Office transmitting the record recommended that the Commission be directed to allow the application conditioned upon the applicants' removal to the Territory and establishing residence there in good faith prior to final approval of the rolls.

The record shows John L. is son of William Le Flore a recognized member of the Choctaw Nation of one-fourth Choctaw blood, one of the original treaty emigrants from Mississippi, or founders of the Choctaw Nation as now constituted and located.

John's mother was one-eighth Creek blood. The family lived in the Choctaw country four years, when the family returned to Mississippi where William died. The mother and children returned to the Choctaw Nation about 1858, where John L. held and worked improved land and engaged in stock raising. He there married Cordelia Harkins, a member of the Choctaw Nation, and continued to reside therein until about 1878, when he sold his improvements on land in the nation and went to Mississippi with his child to place her among his relatives there for education and nurture. He intended to return to the Choctaw Nation, but could not satisfactorily sell his Mississippi property, and remained there about twenty years, making however several trips to the Territory; the last of which was about 1895 or 1896. He participated in the payment of leased district money in 1893, and is identified on the Choctaw census roll of 1896. April 14, 1898, in Carroll county, Mississippi, he married his present wife, Alma Marshall, a white woman, and of her were born his children, John and Charles Stanford, in 1899 and 1901, respectively. He testified that his residence was at Vallet Hill, Mississippi, and that he intends to remove to the Territory if enrolled.

There is thus presented the claim to enrollment of one born to Choctaw citizenship, who removed from the nation about 1878 with all his effects, and who has continuously since resided in Mississippi, and has no present intention of returning to the nation unless enrolled.

The case is substantially in all respects like that of Sidney J. Cundiff v. Choctaw Nation, decided by the United States Court, Central District, Indian Territory, on appeal from the Dawes Commission, wherein Cundiff, a Choctaw citizen, removed from the nation to Texas, January 1, 1887, and thereafter resided there. Referring to the treaty of 1830 (7 Stat., 333), the court held that:

By the second article of that treaty, granting the lands now held by the Choctaw Nation to them, as well as by the terms of the patent afterwards executed by the United States, two conditions subsequent were attached to the grant; one, that the Choctaw people shall thereafter continue to exist as a nation, and the other, that they shall live upon the land.

* *

But there is another condition to the grant, set out in the second article of the treaty of 1830 and of the patent. It is that these grantees, these tenants in common, shall not only live on the land, but they shall exist as a nation, or their title shall be forfeited. Now, each one of these tenants in common possesses all of the rights, and is entitled to all of the privileges, and is required to perform all of the duties relating to the land that each of the others is entitled to and must perform; and, therefore, is none shall be allowed to abandon the land, or cease to live on it, each and all of the others may do the same thing, and if they should exercise the same right, and move off of the land and out of the nation, what would become of its existence? The individual Choctaw who moves away from his people, abandons their lands and separates himself from the sphere of their political organization as a nation, is not performing his part of the condition that these people shall "exist as a nation." He is also violating the very object of the treaty, and the policy of the Federal Government as well as of his own.

In my opinion, as long as he remains away from the nation and the lands, under these circumstances, he forfeits his right to that citizenship which he has abandoned, and which carries with it the right to the land; that the Choctaw Nation, in

the exercise of its sovereign power, has the right to refuse to place him on its rolls of citizenship.

* *

The court is, therefore, of the opinion that the claimant in this case is not entitled to enrollment, and the action of the Dawes Commission is affirmed, and judgment for the Chester Nation.

The reasoning of the court is persuasive and commends itself to my judgment as a proper rule applicable to such cases. LeFlore has resided in Mississippi over a quarter of a century and is a permanent resident there, without intention to reunite himself with the Chester Nation unless offered the inducement of a prospective allotment.

I am therefore of opinion that he is not entitled to be enrolled, and that the decision of the Commission should be affirmed.

Very Respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: March 24, 1905.

E. A. Hitchcock,

Secretary.

DEPARTMENT OF THE INTERIOR

WASHINGTON

J.W.M.
LLB

D.C. 17589-1903.
I.T.D. 5072-1905.
3126-1905.
LRS.

April 1, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

February 25, 1903, you transmitted the record of proceedings in the matter of the application of John LeFlore for the enrollment of himself, his two minor children, John LeFlore and Charles Stanford LeFlore, and his wife, Alma LeFlore, as citizens of the Choctaw Nation, including your decision of the same date denying said application.

June 11, 1903, the Indian Office furnished a report in the matter, a copy of which is inclosed, and recommended that your decision be not approved, and that you be instructed to notify the principal applicant that upon his bona fide removal to the Indian Territory he will, together with his wife and minor children, be enrolled as citizens of the Choctaw Nation.

In an opinion dated and approved March 24, 1903, the Assistant Attorney-General for this Department held that the principal applicant is not entitled to be enrolled. It appears that he married the said Alma LeFlore, who claims enrollment by intermarriage, in 1890, in Carroll County, Mississippi. Of this

marriage were born the children, John and Charles Bomford referred to above, who have never resided in the Territory.

In accordance with said opinion, copy of which is also inclosed, your decision adverse to these applicants is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

2 inclosures.

7-D-777

COPY.

Muskogee, Indian Territory, April 18, 1905.

John L. LeFlore,

Valley Hill, Mississippi.

Dear Sir:

You are hereby notified that on the first day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 25, 1903, denying the application for the enrollment of yourself, your wife, Alma LeFlore, and children, John LeFlore and Charles Stanford LeFlore, as citizens of the Choctaw Nation.

For your information there is enclosed you herewith a copy of the Secretary's letter of April 1, 1905, together with a copy of the opinion of the Assistant Attorney General dated March 24, 1905, and of the report of the Acting Commissioner of Indian Affairs of March 14, 1904, in regard to this application.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Encl. 7-D-777

7-B-777

COPY.

Muskogee, Indian Territory, April 18, 1906.

William J. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the first day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 25, 1903, denying the application for the enrollment of Jesse L. LeFlore, his wife, Alma LeFlore, and two children, John LeFlore and Charles Stanford LeFlore, as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

9-2-777

COPY.

Muskogee, Indian Territory, April 18, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the first day of April, 1906, the Secretary of the Interior affirmed the decision of this Commission, rendered February 25, 1905, denying the application for the enrollment of John L. LeFlore, his wife, Alma LeFlore, and two children, John and Charles Stanford LeFlore, as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

7-B-777.

Muskogee, Indian Territory, September 30, 1902.

Horton & Brewer,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th inst., enclosing the affidavits of Alma LeFlore and W.W. Liddell relative to the birth of John LeFlore, Jr., minor child of John L. and Alma LeFlore, February 28, 1899; also the affidavits of Alma LeFlore and W.W. Liddell relative to the birth of Charles Stanford LeFlore, minor child of John L. and Alma LeFlore, April 18, 1901; and the same being in proper form have been duly filed with the records of the Commission as evidence of the birth of these children.

Respectfully,

Acting Chairman.

[illegible]

Muskogee, Indian Territory, October [illegible], 1902.

W. E. Green,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1902, giving information relative to John L. Leflore and his right to enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Choctaw D 177

Muskogee, Indian Territory, April 6, 1903.

Horton & Brewer,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of March 26, there is inclosed you herewith a copy of the decision of the Commission refusing the application of John L. LeFlore, et al, for enrollment as citizens of the Choctaw Nation.

Respectfully,

AB 2-6

7--3777

Muskogee, Indian Territory, September 17, 1903.

William J. Norton,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, requesting to be furnished with a copy of the argument of the attorneys for the Choctaw and Chickasaw Nations filed in the matter of the application for the enrollment of John L. LeFlore, his wife and their minor children.

You are informed it does not appear from our records that any argument has ever been filed by the attorneys for the Choctaw and Chickasaw Nations in the above case.

Respectfully,

Chairman.

7- 2303

Muskogee, Indian Territory, September 27, 1903.

William H. McCoy,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised relative to the enrollment of yourself and family as citizens of the Choctaw Nation.

You are advised it appears from our records that William H. McCoy, his wife, Mary G., and his children, Buford T., Maud, Cordie and William McCoy, are applicants for enrollment as citizens of the Choctaw Nation, but no decision relative to the application for the enrollment of these persons has yet been rendered by the Commission. As soon as a decision has been reached in this case you will be duly notified of the action taken therein by the Commission.

Respectfully,

Chairman.

Chas. D. [illegible]

Florence [illegible]

EFUSED Feby 24.

PY OF DECISION FORWARDED
APPLICANT
Feby 24.

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.
Feby 24. 19

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.
Feby 24. 19

ECORD FORWARDED DEPARTM
Feby 24

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 13

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.
JUL 29

7-B-778.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 27, 1902.

------:------

In the matter of the application of Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore and Robert Montgomery McBride, as citizens by blood of the Choctaw Nation.

Applicants represented by William J. Horton, Attorney.

Florence LeFlore McBride, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? Full name? A Florence LeFlore Green ---- McBride, it is now.
Q How old are you? A I am about thirty-two, I think.
Q What is your post office address? A Greenwood, Mississippi, LeFlore County.
Q Greenwood? A Greenwood, Mississippi, LeFlore County.
Q How long have you been a resident of Mississippi? A Well, I was raised there. After my mother and the other children died here papa moved out there and I was raised out there until about nine years ago, I came out here on a visit, and then that following Spring or Winter I married Dr. Green and moved back to the Territory and lived here about two years at Caddo.
Q You were born in Indian Territory? A Yes sir.
Q You removed to Mississippi when you were a small child? A When I was about three years old, yes sir.
Q Then when was it you returned to Indian Territory? A Well, I don't remember the year. I am sort of like my father, I am not good on dates, but I think I was about twenty when I came out here on a visit, and that Fall I married-----that Winter.
Q About what date was that? A I was married in December, but I was married in Mississippi. I met Dr. Green out here at Caddo when I was visiting.

Q Don't you know the date of your marriage? A December, I forget the exact date. If I had the marriage certificate there, it gives the date exactly. Mr. Horton, you have that.

Marriage certificate examined, which shows applicant to have been married December 15, 1891.

Q And after your marriage to Mr. Green you lived in the Territory for about two years? A Come at once, yes sir.
Q Then where did you go after those two years? A Why, I went back to Mississippi to my father. My husband turned out to be a drunkard, and treated me so badly I went back to my father.
Q That was in about 1893? A '92 or '3, yes sir.
Q Did you live in Mississippi continuously since that time? A I have lived there ever since.
Q What was the name of your father? A John L. LeFlore. John Long LeFlore is his full name.
Q Does your father claim Indian blood? A Certainly.
Q How much? A Why, I don't know exactly how much, but I know he's an Indian by blood.
Q What was the name of your mother? A Cordelia Harkins.
Q Was your mother an Indian? A Yes sir.
Q How much Indian blood did she claim? A I can't answer that question either, because I don't know, but she was a daughter of Willis J. Harkins.
Q You are now applying as a citizen by blood of the Choctaw Nation? A Yes sir.
Q How much Indian blood do you claim? Just give it approximately. A Well, I don't know, sir. My mother was part Indian and my father some.
Q Were you ever recognized or enrolled as a citizen of the Choctaw Nation? A Yes sir.

On an examination of the rolls of the Choctaw Nation in the possession of the Commission the name of the applicant, appearing as Florence Green, is found upon the 1893 leased district payment roll of Choctaw citizens by blood at page 48, No. 503, and also on the 1896 Choctaw census roll, page 120, as No. 4944.

Q Are you making application for the enrollment of anyone besides yourself? A Yes sir, I have two little children. I don't suppose they would let my husband in, but I have two children.
Q Give the names and the ages of your children, please? A William LeFlore McBride, age five, and Robert Montgomery McBride, age three.
Q What is the name of your present husband? A Charley Lewis McBride.

Q You are not making application for him? A No sir, I guess not.
Q He is a white man is he? A Yes sir.
Q A citizen of the United States? A Yes sir.
Q Have you any evidence of your marriage to your present husband?
A Yes sir, I have the certificate of both.

The applicant offers in evidence, which is marked "Exhibit A" and made a part of the record in this case, a certified copy of the marriage license and certificate of C. L. McBride and Mrs. Florence L. Green, showing the marriage of said parties on January 20, 1897.

Q Were you ever married before your present marriage? A Yes.
Q To whom? A Dr. G. D. Green, Caddo, Indian Territory.
Q Is your former husband still living? A Yes sir.
Q Did you procure a divorce from him? A Yes sir.
Q When were you divorced from your former husband? A About six---- well it's been over six----a little over six years ago.
Q Have you any evidence of that divorce with you? A Why, no, I haven't it with me. It's there in Greenwood. I can furnish any evidence after I get home. I can send it.
Q It will be necessary in the enrollment of your minor children that you forward to the Commission evidence of your divorce from your former husband. Either a certified copy of the decree or affidavits of parties who know the circumstances. A Very well, I can do that.
Q Was your present husband ever married before his marriage to you?
A Yes sir.
Q Is his former wife living? A No sir, she's dead.
Q When did she die, do you know? A Well, I don't remember the year but she died the 13th of October. Well, she'd been dead a little over a year when we were married, and we've been married six years this coming January.
Q You are at present a resident of the state of Mississippi? A Yes sir.
Q You have not been a resident of Indian Territory since about 1893? A No sir.
Q Has it been your intention to remove to the Territory? A Why, yes. I wouldn't hardly have gone to all this expense and come out here and everything if I hadn't been intending to come back. That's my intention.
Q Have you ever had any residence in the Indian Territory since 1893? A No sir. I don't think I have ever been back here.
Q You have never held any land here? A No sir.
Q The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Cho-

Florence LaFlore McBride, et al., v.

tax lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Q Mrs. McBride, do you now, for yourself or for your minor children, make any claim to identification as a Choctaw Indian claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty? A I don't know. Not as a Mississippi Indian, no. I claim by blood.
Q You make no claim as a so-called "Mississippi Choctaw?" A No sir.

The application for the enrollment of yourself and your two minor children as citizens by blood of the Choctaw Nation has been placed upon the records of the Commission, and as soon as the same has been taken up for final consideration you will be advised at your present post office address of the decision of the Commission, and of the forwarding of the record in the case to the Secretary of the Interior, for review.

-------:-------

Hal Belford, being first duly sworn, upon his oath testifies that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on August 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of August, 1902.

Hal Belford

Subscribed and sworn to before me this 28" day of August, 1902.

B O Jones
Notary Public.

C O P Y

This cause this day came on to be heard an bill, proof of publication duly made, & proof in open Court; and it appearing to the court that Complainant is entitled to that relief prayed for in her bill of complaint.

It is therefore ordered that the bonds of matrimony heretofore solemnized between Florence Green, Complainant, and G. B. Green, Defendant, by disolved and held for naught, & that they be divorced.

Thus ordered, adjudged & decreed Jay 11th 1897.

(signed) T. B. Graham,
Chancelor.

I Sam'l Hart, Clerk of the Chancery Court of Carroll County, State of Miss. do hereby certify that the above decree is a true copy from the Chancery Minute Book No. "B", page 390, now on file in my office.

Given under my hand & seal this Aug. 30th, 1902.

(signed) Sam'l Hart, Clk.,
By B. P. Chatham, D. C.

(Seal).

Indorsed on back as follows:

"Department of the Interior, Commission to the Five Civilized Tribes. Filed Sep. 27, 1902. Tams Bixby, Acting Chairman. Choctaw D-778".

C O P Y

STATE OF MISSISSIPPI.

LEFLORE COUNTY.

Affidavit for marriage license by applicant.

THIS day personall appeared before me, J. R. Bew, Clerk of the Circuit Court in and for said county, C. L. M'Bride, applicant, who upon oath deposeth and saith, that the parties applying for License to Marry have arrived at the statutory ages prescribed by law, 21 and 18 years respectively, and that there is no legal cause to obstruct the Marriage of Mr. C. L. M'Bride and Mrs. Florence L. Green, for which this license is asked.

(signed) C. L. McBride.

Subscribed and sworn to before me this the 2o day ofJanuary 1897.

(signed) J. R. Bew, Clerk.

By G. E. Williamson, D. C.

::

STATE OF MISSISSIPPI.

COUNTY OF LEFLORE.

MARRIAGE LICENSE:

To any Minister, Judge, Justice, or other Person Lawfully Authorized to celebrate the Rites of Matrimony: You are hereby authorized to celebrate the rites of matrimony between C. L. McBride and Mrs. Florence L. Green, of said county; and you are hereby required to transmit to the undersigned, Clerk of the Circuit Court of said County, or his successor in office, a certificate of the marriage of said parties, within three months after the celebration of the same. Herein fail not, under penalty in such cases provided.

Given under my hand and official seal, this the 20th day of January, 1897.

J. R. Bew, Clerk Circuit Court,
LeFlore County.

::

By virture of a license from the Clerk of the Circuit Court of LeFlore County, Mississippi, I have this day joined in the Holy State of Matrimony, Mr. C. L. M'Bride and Mrs. Florence L. Green.

Given under my hand, this the 20th day of Jany. 1897.

(Signed) J. R. Hughes.

::

STATE OF MISSISSIPPI.
LEFLORE COUNTY.

I, the undersigned, Clerk of the Circuit Court, in and for said County, do hereby certify that the above and foregoing is a true and correct copy of a Marriage License issued to C. L. M'Bride amd Mrs. Florence L. Green, and the certificate of the Minister who preformed the marriage cerimony, as the law directs, as the same appears of record in my office, in the Records of Marriages, in Book No. 8, page 115.

Given under my hand and official seal, this the 18th day of August, A. D. 1902.

(signed) J. B. Humphreys.
Circuit Clerk of LeFlore County,
Mississippi.

(seal).

CHOCTAW

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

William L. McBride.

as a citizen of the

Choctaw Nation.

Approved Sept. 27 1902

Tams Bixby.
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1902

ACTING CHAIRMAN.

CHOCTAW.

D 778

BIRTH AFFIDAVIT — Copy — 50 — 11

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation, of William L. McBride (Here insert name of child.), born on the 12th day of November, ~~190~~ 1897

Name of Father: C. L. McBride, ~~a citizen of the~~ _____ Nation.

Name of Mother: Florence L. McBride, a citizen of the Choctaw Nation.

Post-Office: _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Florence L. McBride, on oath state that I am 30 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of C. L. McBride, who is a citizen, by _____, of the United States Nation, that a Male (Male or female.) child was born to me on the 12th day of November 1897; that said child has been named William L. McBride, and is now living.

(Signed) Florence L. McBride

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

(Seal)

Subscribed and sworn to before me this 28th day of August 1902.

(Signed) O. G. Kramer

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

~~UNITED~~ STATES OF ~~AMERICA~~, The Mississippi INDIAN TERRITORY, LeFlore County ~~District~~.

I, S. L. Brister, a regular practicing physician, on oath state that I attended on Mrs. Florence L. McBride, wife of C. L. McBride, on the 12th day of November 1897, ~~190~~; that there was born to her on said date a Male (Male or female.) child; that said child is now living and is said to have been named William L. McBride.

(Signed) Samuel L. Brister

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

(Seal)

Subscribed and sworn to before me this 2 day of Sept. 1902.

(Signed) C. L. Lewis

Notary Public.

CHOCTAW

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Robert Montgomery McBride

as a citizen of the

Choctaw *Nation.*

Approved Sept 27 *1902*

(Signed) Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1902

ACTING CHAIRMAN.

CHOCTAW.

D 778

BIRTH AFFIDAVIT. Born 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Robert Montgomery McBride (Here insert name of child.), born on the 22nd day of March, 1902
Name of Father: C L McBride, ~~a citizen of the~~ Nation.
Name of Mother: Florence L McBride, a citizen of the Choctaw Nation.

Post-Office:

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Florence L McBride, on oath state that I am 30 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of C L McBride, who is a citizen, ~~by~~ ——, of the United States Nation, that a Male (Male or female.) child was born to me on the 22nd day of March 1902; that said child has been named Robert Montgomery McBride, and is now living.

(Signed) Florence L McBride,

WITNESSES TO MARK:

(Must be Two Witnesses.)

(Seal) Commission expires Aug. 9, 1906

Subscribed and sworn to before me this 28 day of August 190

(Signed) O. G. Weimer
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

The Mississippi
~~UNITED~~ STATES OF ~~AMERICA~~,
INDIAN TERRITORY,
LeFlore County District.

I, S. L. Brister, a regular practicing physician, on oath state that I attended on Mrs. Florence L McBride, wife of C L McBride, on the 22nd day of March, 1902; that there was born to her on said date a Male (Male or female.) child; that said child is now living and is said to have been named Robert Montgomery McBride

(Signed) Samuel L. Brister

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 day of September 190 2

C. L. Lemon.
Notary Public.

7 D-778.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the record in this case that Florence LeFlore McBride appeared before the Commission at Muskogee, Indian Territory, on August 27, 1902, and made personal application for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens by blood of the Choctaw Nation.

It further appears from the evidence submitted and the records in the possession of the Commission that the principal applicant, Florence LeFlore McBride, is a recognized and enrolled citizen by blood of the Choctaw Nation; that she was married to G. B. Green December 15, 1891; that she obtained a divorce from him January 1, 1897; that she was again married to Charles L. McBride, a non-citizen white man on January 20, 1897; that the minor applicants, William LeFlore McBride and Robert Montgomery McBride, are the offspring of said marriage between the principal applicant and Charles L. McBride; that the name of Florence LeFlore McBride is identified upon the 1893 Leased District payment roll of the Choctaw Nation, page 48, No. 503, as Florence Green; that her name also appears as Florence Green upon the 1896 Choctaw census roll, page 120, No. 4944, with a notation "enrollment refused"; that the minor applicants herein were born subsequent to the preparation of the last tribal roll of the Choctaw Nation and their names are not found thereon.

It further appears from the evidence submitted that the applicants were not residents in good faith of Indian Territory, on June 28, 1898, but that the principal applicant has made her home in the State of Mississippi for the last ten years; that the minor applicants herein were born in the State of Mississippi and have never been residents of Indian Territory.

It is therefore the opinion of this Commission that the application for the enrollment of Florence LeFlore McBride, William LeFlore McBride and Robert Montgomery McBride as citizens by blood

of the Choctaw Nation should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 24 1903

COPY.

Choctaw No.778

Muskogee, Indian Territory, February 24, 1903

Florence LeFlore McBride,

Greenwood, Mississippi

Dear Madam:-

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ORIGINAL Tams Bixby.

Chairman

Registered

Enc. G.R. 1

COPY.

Choctaw-D-778

Muskogee, Indian Territory, February 24, 1903.

William J. Horton,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:-

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

SIGNED Tams Bixby.
Chairman

Registered
Enc. G.H. 2

COPY.

Choctaw D-778

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Signed: Tams Bixby.

Chairman

Enc. G.H. 3

COPY.

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application made by Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens of the Choctaw Nation, including the decision of the Commission dated February 24, 1903, denying said application.

Respectfully,

(SIGNED). Tams Bixby.

Chairman

Choctaw D-778

Through the
Commissioner of Indian Affairs.

Choctaw D 778

Muskogee, Indian Territory, March 12, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith brief of argument for applicants in the matter of the application of Florence LeFlore McBride et al. for enrollment as citizens by blood of the Choctaw Nation, for consideration in connection with the original record in this case which was forwarded on February 24, 1903.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Choctaw D 778

Muskogee, Indian Territory, March 14,1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith motion of attorney for applicant for a rehearing in the matter of the application of Florence LeFlore McBride, et al. for enrollment as citizens by blood of the Choctaw Nation. The record in this case having been forwarded for departmental consideration on February 24, 1903, the motion for rehearing is forwarded for consideration in connection with the original record and the brief of applicants which was transmitted to the Department on March 12, 1903.

Respectfully,

Chairman.

Choctaw D 778.

(COPY)

Land.
17877-1903.
18133-1903.
19566-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

June 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report from the Chairman of the Commission to the Five Civilized Tribes, dated February 24, 1903, forwarding, for the Department's consideration, the record relative to the application of Florence LeFlore McBride, for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens by blood of the Choctaw Nation.

February 24, 1903, the Commission held that the applicants were not entitled to enrollment, and their application for enrollment should be denied under the provisions of the Curtis act.

From the evidence it appears that the principal applicant, Florence LeFlore McBride is a recognized and enrolled citizen of the Choctaw Nation by blood; that on December 15, 1891, she was married to G. B. Green; that on January 1, 1897, she obtained a divorce from him; that on January 20, 1897, she married Charles L. McBride, a non-citizen white man, and that the minor applicatns are the off-spring of the latter marriage.

Florence LeFlore McBride is identified by the 1893 lease district payment roll of the Choctaw Nation as Florence Green. She is also identified by the 1896 Choctaw Census roll as Florence Green, but said roll contains a notation - "enrollment refused."

The minor applicants were born subsequent to the Census roll of 1896.

At the time of the testimony, August 27, 1902, the post office address of the principal applicant was Greenwood, Mississippi. About 1890-1891 she went to the Indian Territory, and the following winter she married G. F. Green and removed to the Indian Territory, where she resided two years. She was born in the Indian Territory but was raised in Mississippi.

March 12, 1903, the Commission transmitted brief and argument for applicants filed by their attorney.

March 14, 1903, the Commission forwarded a motion for a re-hearing, filed by the attorney for the applicants, which is, as follows:

"Now come the above named applicants by their at-
"torney and move the Commission to grant a re-hearing of this
"matter upon the grounds, following:
"1. Because the decision of the Commission render-
"ed on February 24, 1903, is contrary to the evidence in the
"case submitted.

"2. Because the adverse decision of the Commis-
"sion is contrary to its own findings of fact as set forth
"in said decision.

"3. Said findings of fact show the principal ap-
"plicant was a duly enrolled citizen by blood of the Choctaw
"Nation, and as such she was confirmed by the acts of Congress
"of June 10, 1896 and June 7, 1897.

"4. Because her residence in Indian Territory on
"June 28, 1898, was not material."

The Commission seems to have held that the applicants are not entitled to enrollment because they were not residents in good faith of the Indian Territory on June 28, 1898. From the record it appears that the Commission denied the right of the principal applicant to enrollment as a citizen of the Choctaw Nation, although her name appeared on a roll of that Nation. By the act of 1896 "the rolls "of citizenship of the several tribes" as then existing were confirmed. It appears to have been the duty of the Commission in 1896 to decide whether persons applying to it were entitled to citizenship, and that it had no power or authority to declare that a person whose name appeared on a roll was not entitled to citizenship. Such seems to be the construction put upon said act by the Assistant Attorney General for the Interior Department in his opinion of March 18, 1899.

The principal applicant has heretofore been a recognized citizen of the Choctaw Nation, and as such apparently duly and lawfully enrolled on the 1893 least district payment roll. She was born in the Choctaw Nation, and the record in her father's case, John L. LeFlore, which was transmitted on the 11th instant, shows that he resided in the Choctaw Nation from 1858 to 1878; that upon the death of his wife, mother of the principal applicant, he removed to the State of Mississippi, with this applicant, for the purpose of having her properly reared.

From the record, and in view of the fact that the name of the principal applicant appears on the 1893 lease district payment roll, the office believes that these applicants are entitled to enrollment as citizens of the Choctaw Nation. There is no question about her Choctaw blood. It is therefore respectfully recommended that the decision of the Commission be not approved, and that the applicants be enrolled as citizens of the Choctaw Nation.

In connection herewith attention is invited to office report of the 11th instant in the John L. LeFlore case.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-O.

(COPY)

JP

BC 18016-1903 DEPARTMENT OF THE INTERIOR.

ITD 5196-1903. WASHINGTON. WHR.

June 26, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

June 22, 1903, the Commissioner of Indian Affairs submitted the Choctaw enrollment case of Florence LeFlore McBride, et al., and recommended that your decision adverse to the applicants be not approved. A copy of his letter is inclosed.

It is directed that you advise the principal applicant and the attorneys for the Choctaw Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed within which to file any argument they may desire; that a copy of such argument must be served upon the opposite party.

The argument and motion for rehearing filed by the attorney for the applicants, received with your letters of March 12 and 14, 1903, are herewith inclosed to be returned to the party filing them as they bear no evidence of service upon the Nation's attorneys.

You will advise the attorney, William M. Herton, that before he will be recognized as an attorney in this case, he must be admitted to practice before the Department, inclosing

him the circular transmitted herewith and form of oath required in such matters.

Respectfully,

E. A. Hitchcock,

ASecretary.

4 inclosures.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 24, 1903, the Commission rendered a decision denying the application of Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens of the Choctaw Nation, and on the same day the original record in the case, together with the decision of the Commission, denying said application, was forwarded the Department. The principal applicant, Florence LeFlore McBride, the attorney for applicants, William J. Norton, and the attorneys for the Choctaw and Chickasaw Nations were also on the same day notified of the action of the Commission in denying said application.

On March 12, 1903, there was transmitted to the Department brief of argument for applicants in the matter of the application of Florence LeFlore McBride, et al., for enrollment as citizens by blood of the Choctaw Nation, for consideration in connection with the original record in said case, which was forwarded on February 24, 1903.

The Commission is now in receipt of a request by the

attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Nattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 80 on the Timmonings Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 inclosure (W. F.9-D-778).

attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Nattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 89 on the Tishomingo Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 inclosure (W. F.7-D-778).

G. R.
LLB

DEPARTMENT OF THE INTERIOR,

D. C. 34745-1905.

WASHINGTON. July 15, 1905.

I. T. D. 8196-1903.
6048-1904.

J. P.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 24, 1903, the Commission to the Five Civilized Tribes transmitted the record of the application of Florence LeFlore McBride for the enrollment of herself and her two minor children, William LeFlore McBride and Robert Montgomery McBride, as citizens by blood of the Choctaw Nation, including the decision of the Commission of the same date, denying said application.

March 14, 1903, said Commission transmitted a motion for a rehearing in the above matter, to be considered in connection with the original record in the case.

June 22, 1903, the Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission be reversed, and that "the applicants be enrolled as citizens of the Choctaw Nation." A copy of his letter was inclosed to the Commission with departmental letter of date June 26, 1903 (I. T. D. 8196).

The Department does not concur in said recommendation. The evidence shows that the principal applicant, Florence LeFlore

McBride, is the daughter of John LeFlore, whose application for citizenship by blood in the Choctaw Nation was denied by the Department April 1, 1906 (I. T. D. 5072-1903, 3126-1906), for the reason that though born a Choctaw citizen he had removed with his child from the Choctaw Nation to Mississippi about 1878 with all of his effects, and had continuously since resided in the State of Mississippi with no present intention of returning to the nation unless enrolled, and consequently for his failure to remove to and in good faith settle in the nation in which he claimed citizenship prior to June 28, 1898, it was held that he was not entitled to enrollment. His daughter, the principal applicant herein, Florence LeFlore McBride, was also born in the Choctaw Nation, removed with her father about 1878 when a mere child to Mississippi to be reared among her relatives, returned on a visit in 1890 to Caddo Ind. T., where she met her first husband, G. B. Greene, whom she afterwards married in Mississippi on December 15, 1891. Immediately after said marriage she removed from Mississippi to Caddo, Ind. T., where she lived with her husband for two years, and finding him to be a drunkard she returned to her father in Mississippi, and there secured a divorce from her husband on January 11, 1897, It is not shown that she left any effects in the nation on her return to Mississippi in 1893. January 20, 1897, she married in Mississippi C. L. McBride, her present husband, by whom she had two children, the minor applicants herein.

The name of principal applicant appears as Florence Green upon the 1893 leased district payment roll of the Choctaw Nation, also on the 1896 Choctaw census roll, as did also the name of her father. She appeared personally before the Commission at Muskogee, Ind. T., on August 27, 1902, and applied for the enrollment of herself and her two minor children as citizens by blood of the Choctaw Nation. No claim was made for applicants to be identified as Mississippi Choctaws. She then stated that she returned to her father in Mississippi in 1893, and has since continuously resided there; that at the date of her application she was then a resident of Mississippi and nothing in the evidence submitted is shown that evinces any intention on her part to return to the nation since 1893. The minor applicants have never been residents of the Choctaw Nation.

The Department affirms the decision of the Commission dated February 24, 1903, denying to applicants the right to enrollment under the provisions of paragraph 9 of section 21 of the act of June 28, 1898. The motion for a rehearing filed herein presents no additional facts not fully considered on the original hearing herein, and said motion for rehearing is hereby denied.

Respectfully,

(Signed) F. L. Campbell

Acting Secretary.

9-D-776

Muskogee, Indian Territory, July 20, 1905.

Florence LeFlore McBride,
Greenwood, Mississippi.

Dear Madam:

You are hereby advised that on July 13, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of February 24, 1903, refusing your application for the enrollment of yourself and your children William LeFlore and Robert Montgomery McBride as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-778

Muskogee, Indian Territory, July 20, 1905.

W. J. Norton,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on July 13, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of February 24, 1903 refusing the application for the enrollment of Florence LeFlore McBride and her children William LeFlore and Robert Montgomery McBride as citizens of the Cherokee Nation.

For your information there is inclosed herewith copy of Departmental letter of July 13, 1905, above referred to.

Respectfully,

Commissioner.

[redacted] 6-29

9-B-778

Muskogee, Indian Territory, July 20, 1908.

Mansfield, McMurray & Cornish,
Attorneys at Law.
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on July 13, 1908, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of February 24, 1908, refusing the application for the enrollment of Florence LeFlore McBride and her children William LeFlore and Robert Montgomery McBride as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

T-B-778.

Muskogee, Indian Territory, September 27, 1902.

Norton & Brewer,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th inst., enclosing the affidavits of Florence L. McBride and Samuel L. Brister relative to the birth of William L. McBride, minor child of C.L. and Florence L. McBride, November 12, 1897; also the affidavits of Florence L. McBride and Samuel L. Brister relative to the birth of Robert Montgomery McBride, minor child of C.L. and Florence L. McBride, March 22, 1900; and the same being in proper form have been duly filed with the records of the Commission as evidence of the birth of the above named children.

Receipt is also acknowledged of a certified copy of the bill of divorce between Florence Green and C.E. Green, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment as citizens by blood of

R & B R

the Choctaw Nation of Florence L. McBride and her minor children, William L. and Robert M. McBride.

You request to be advised if a certified copy of the marriage license and certificate between Florence L. and W.L. McBride was filed August 27, 1902, in the matter of the application of Florence L. McBride for enrollment as a citizen by blood of the Choctaw Nation. If not, you state that the original marriage license and certificate are in your possession, and if necessary the same can be forwarded to the Commission.

You are informed that a certified copy of such marriage license and certificate was filed with our records in the above named case August 27, 1902.

Respectfully,

Acting Chairman.

Choctaw D 778.

Muskogee, Indian Territory, March 12, 1903.

William J. Horton,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, inclosing brief of applicants in the matter of the application of Florence LeFlore McBride, et al. for enrollment as citizens by blood of the Choctaw Nation.

In reply to your letter you are advised that the record in this case having been forwarded the Secretary of the Interior on February 24, 1903, the brief submitted by you has this day been transmitted for departmental consideration in connection with the original record in this case.

Respectfully,

Chairman.

Choctaw D 778.

Muskogee, Indian Territory, March 14,1903.

W. J. Horton,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, inclosing motion for re-hearing in the case of Florence LeFlore McBride, et al., applicants for enrollment as citizens by blood of the Choctaw Nation, and this case having already been passed upon by this Commission and the record therein transmitted to the Department on February 24, 1903, and the brief of applicants forwarded by you under date of March 6, 1903, having also been forwarded for consideration in connection with this case, the motion for re-hearing has this day been transmitted to the Secretary of the Interior for consideration in the case of Florence LeFlore McBride, et al., Choctaw D 778.

Respectfully,

Chairman.

CHOCTAW D 778

John G. Herndon

Transferred to Choctaw
#1747 JAN 28 1905

CHOCTAW D 780

Alpha Victoria Dillard

Record transferred to

CHOCTAW. # 5868.

James William Goldstone

Transferred to 7 6067
Jan. 31 1907

782

Minnie Lee Gooding

Record transferred to
Choctaw card # 1479

783

Minnie Roebuck.

Record transferred to
Choctaw card. # 1465

CHOCTAW 784

Jim Thompson Jackson

Transferred to Choctaw
3939 JAN 25 1905

Nellie Hackett

Record transferred to
Choctaw Sa. of Ill. 1

CHOCTAW

786

Major Franklin Reed

Transferred to Choctaw
#3449

8 787

Arizona Garland

Record transferred to
Choctaw case #2442.

Choc. D. 788
Hattie Lee Bottoms

CHOCTAW

Hattie Lee Bottoms

DISMISSED

JAN 26 1905

Wife of William L. Bottoms
on Choc. Card # 5024.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

HATTIE LEE BOTTOMS 7-D-788.

Choctaw D. # 788.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 15, 1902.

----o----

In the matter of the application of Hattie Lee Bottoms for the enrollment of herself as an intermarried citizen of the Choctaw Nation.

Hattie Lee Bottoms being first duly sworn testified as follows:

Examination by the Commission:

Q What is your full name? A Hattie Lee Bottoms.
Q What is your age? A Twenty-three.
Q What is your post office address? A Paoli.
Q What Nation is that in? A Chickasaw.
Q How long have you been a resident of the Chickasaw Nation? A About three months.
Q Where did you live before that? A Lexington Arkansas.
Q How long did you live in Arkansas? A Three years.
Q What is the name of your father? A J. W. Barnett.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Rebecca.
Q Is she living? A Yes sir.
Q Are both of your parents white persons? A Yes sir.
Q Both citizens of the United States? A Yes sir.
Q Did either of your parents ever make claim as a citizen of any Indian Tribe? A No sir.
Q Did you ever make claim for enrollment as a citizen of any Indian Tribe? A No sir.
Q Are you now applying as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your husband? A William L. Bottoms.
Q What is his age? A Twenty-three.
Q Is he recognized and enrolled as a citizen of the Choctaw Nation? A Yes sir.

The name of the applicant's husband, William L. Bottoms, appears upon the records of the Commission on Choctaw Roll Card, Field No.5024, having been admitted to Choctaw Citizenship by the United States Court for the Southern District, Indian Territory, at Ardmore on December 22, 1897, in Court case #115.

Q When were you married to William L. Bottoms? A July 31.
Q This year? A Yes sir.
Q Where were you married? A At Purcell.
Q Were you married in accordance with the Chickasaw law? A No.
Q Have you evidence of that marriage with you? A Yes sir.

There is offered in evidence, marked Exhibit "A" and made a part of the record in this case, marriage license issued by the clerk of the United States Court for the Southern District, Indian Territory, authorizing the marriage of W. L. Bottoms and

Hattie L. Barnett, and attached thereto is the certificate of said clerk to the effect that on July 31, 1902, he united the above named parties in marriage, said license and certificate being on file in the office of said clerk in book F. of the marriage record, page 438.

Q Were you ever married before the marriage to your present husband? A No sir.
Q Was your husband ever married before his marriage to you? A No Sir.
Q Was there any legal objection to your marriage? A No sir.
Q Are you at present living together as husband and wife? A Yes sir.
Q Have you ever been separated or divorced? A No sir.
Q What is the residence of your husband? A Paoli.
Q That was his residence at the time of your marriage? A Yes sir.
Q You were married at Purcell? A Yes sir.
Q What Nation is Purcell in? A Chickasaw.

---------o---------

Chas. Diffendaffer, after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on September 15, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer.

Subscribed and sworn to before me this 16 day of September 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory,
March 10, 1903.

Choctaw D 788.
Intermarried.

-:-

In the matter of the application of Hattie Lee Bottoms for the enrollment of herself as an intermarried citizen of the Choctaw Nation.

-:-

HATTIE LEE BOTTOMS being first duly sworn testifies:

EXAMINATION BY THE COMMISSION:

Q What is your name ? A H. L. Bottoms.
Q What is your full name ? A Hattie Lee Bottoms.
Q How old are you ? A Twenty four.
Q What is your post office address ? A Paoli, Indian Territory.
Q What Nation is that in ? A Chickasaw.
Q How long have you resided in the Chickasaw Nation ? A About nine months this trip I guess.
Q Have you lived there continuously for the past nine months ? A Yes, sir.
Q Where did you live prior to that time ? A Oklahoma.
Q Are you a white woman ? A Yes, sir.
Q Do you claim the right to enrollment as an intermarried citizen of the Choctaw Nation ? Yes, sir.
Q What is the name of your Choctaw husband through whom you claim this right ? A William L. Bottoms.
Q Is he a recognized and enrolled citizen of the Choctaw Nation ? A Yes, sir.
Q Have his rights as such ever been disputed ? A Not that I know of.
Q When were you married to this man ? A Thirty-first day of July 1902.
Q Where was this marriage ceremony preformed ? A Purcell, I. T.
Q Chickasaw Nation ? A Yes, sir.
Q At that time where were you living ? A I had been living at Paoli.
Q Where was your husband's home at that time ? A Paoli.
Q Were you married in accordance with the Chickasaw tribal laws ? A No, sir.
Q You did not obtain a tribal license ? A No, sir.
Q Under what law were you married ? A United States law.
Q And under a United States license ? A Yes, sir.
Q Who preformed that marriage ceremony ? A Green.

Battie Lee Bottoms 2

Q Minister of the Gospel ? A No, sir, United States Clerk.
Q Were you ever married before you were married to William L. Bottoms ? A No, sir.
Q Was he ever married before he was married to you ? A No, sir.
Q Since that marriage have you lived together continuously as husband and wife ? A Yes, sir.
Q Up to the present time ? A Yes, sir.
Q There has been no separation, abandonment, or divorce ? A No, sir.
Q Are you at present living together as actual and bona fide residents of the Chickasaw Nation ? A Now -- Yes, sir.

-:-

Fred V. Kinkade, being first duly sworn, on oath states; that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause at Ateka, Indian Territory, March 10, 1903; that the above and foregoing transcript is a true, full and correct translation of his stenographic notes as taken therein on said date.

Fred V. Kinkade

Subscribed and sworn to before me this 3 day of April 1903.

Charles H. Kamper

Notary Public.

Ex C.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of

MR. H. [illegible] Pettees

AND

MRS. [illegible]

were filed in my office in said Territory and District the [illegible] day of [illegible] A. D. 190[illegible], and duly recorded in Book [illegible] of Marriage Record, Page [illegible]

WITNESS my hand and Seal of said Court, at Ardmore, this [illegible] day of [illegible] A. D. 190[illegible]

[illegible]

Clerk.

Return this License to the United States Clerk at Ardmore that it may be recorded, when it will be mailed to the proper address.

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. W. L. Bottoms, of Paoli in the Indian Territory, aged 23 years, and Miss Hattie L. Barnett, of Paoli in the Indian Territory, aged 23 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 31" day of July, A. D. 1902

C. M. Campbell
Clerk of the United States Court.
By J. F. Green Deputy

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } ss:

I, C. M. Campbell, Clerk U. S. Court, do hereby certify, that on the 31" day of July, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 31" day of July, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book ~, Page ~

C. M. Campbell
Clerk U. S. Court
By J. F. Green Deputy

NOTE—The person officiating should fill in the space for book and page and sign here.

NOTE (a)—This License and Certificate of Marriage must be returned to the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

Dch

7-D-788.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Lee Bottoms as a citizen by intermarriage of the Choctaw Nation.

-----oOo-----

The applicant, Hattie Lee Bottoms, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William L. Bottoms.

The right of the applicant's husband, William L. Bottoms (as William Luthur Bottoms or William Luther Bottoms), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Hattie Lee Bottoms for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

JAN 26 1905

3

Choctaw D-788.

COPY.

Muskogee, Indian Territory, January 26, 1906.

Hattie Lee Bottoms,

Paoli, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1906, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

James Bixby

Chairman.

Registered.
Incl. T-D-788.

Choctaw 7-D-788.

COPY.

Muskogee, Indian Territory, January 26, 1905.

J.F.Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of Mattie Lee Bottoms as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

[illegible]

Tams Bixby

Chairman.

Registered.
Inal. 7-D-788.

Choctaw D-786.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Mattie Lee Bottoms as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. 7-D-788.

7-B-788

Muskogee, Indian Territory, February 27, 1903.

Mattie Lee Bottoms,

Publi, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D. 224.

Muskogee, Indian Territory, March 9,1903.

J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 4, in the matter of the application of Hattie Lee Bottoms for enrollment as an intermarried citizen of the Choctaw Nation, stating that she is the wife of a court citizen, and asking if it will be necessary for her to appear before the Commission at its appointment at Atoka, Indian Territory, March 13 to 16, 1903, inclusive.

In reply to your letter you are advised that as Hattie Lee Bottoms is the wife of William L. Bottoms who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court, it will not be necessary for her to appear before the Commission at its appointment at Atoka for the purpose of testifying relative to her status as an intermarried citizen on September 25, 1902.

Respectfully,

Chairman.

789

Edna May Parker.

Record transferred to Choctaw card # 43511

790

Mamie Mc. Gillberry

Record transferred to
Choctaw card #4725

CHOCTAW D 781

Lola Leona [illegible]

[illegible]

and [illegible]

to [illegible]

MAY [illegible] 1905

792

Florence Lorell Fennin

Record transferred to
Chorlaw card # 2710

CHOCTAW A TR

Omer A Nicholson

Transferred to Choctaw

#5903

Chec. [illegible]

Walter Thomas [illegible]

Thomas Jelks.

DISMISSED
NOV 12 1904

Husband of Caroline E
Neely on Choc. Card #4291.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

WALTER T. JELKS 7- D-794.

Choctaw D. #794.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 20, 1902.

----:----

In the matter of the application of Walter Thomas Jelks for the enrollment of himself as an intermarried citizen of the Choctaw Nation.

Walter Thomas Jelks being first duly sworn testified as follows:

Examination by the Commission:

Q What is your full name? A Walter Thomas Jelks.
Q How old are you? A Twenty-five years old.
Q What is your post office address? A Rush Springs, Chickasaw Nation.
Q How long have you been a resident of the Chickasaw Nation? A About eleven or twelve years.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A Why about twelve or thirteen years - some where along there.
Q You were born in Texas? A Yes sir.
Q Lived there until you moved to the Chickasaw Nation? A Yes sir.
Q What is the name of your father? A Robert L. Jelks.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Wy her name is Belle. Jelks.
Q B-e-l-l-e? A Yes sir.
Q Is she living? A Yes sir.
Q Are both of your parents white persons? A Yes sir.
Q Both citizens of the United States? A Yes sir.
Q Has either of your parents ever made application for enrollment as a member of any Indian tribe? A No sir.
Q Have you ever made application for enrollment as a member of any Indian tribe before? A No sir.
Q Are you now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your wife? A Caroline E. Neely.
Q How old is your wife? A She is sixteen years old - well she is a little older than that.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A I really don't know whether she is or not; just heard other people say she was.
Q You say you do not know whether she is a citizen by blood of the Choctaw Nation? A No sir I don't know she claims to be.
Q Is it generally understood that she is a citizen of the Choctaw Nation? A Yes sir.
Q What is the name of her father? A I think it is John W. Neely. I am not shure.
Q Is he living? A Yes sir.
Q What is the name of her mother? A Frances C. Neely.
Q Is she living? A Yes sir.

Choctaw D. #794-2

The name of the applicant's wife, Caroline E. Neely, appears upon the records of the Commission on Choctaw Roll Card Field number 4291, having been admitted to Choctaw citizenship by the United States Court, Central District, Indian Territory, on January 18, 1898 in Court Case #76.

Q When were you married to Caroline E. Neely? A the seventeenth.
Q This month? A Yes sir, I believe that is the time.
Q Where did this marriage take place? A Marlow, Chickasaw Nation.
Q Were you married in accordance with the Chickasaw laws? A No sir
Q Under what law were you married? A Under the Choctaw.
Q Have you got evidence of that marriage with you? A Yes sir.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, marriage license issued by the clerk of the county of Atoka, Choctaw Nation, to Walter Thomas Jelks and Caroline E. Neely, and attached thereto is the certificate of D. W. Garvin to the effect that on September 17, 1902 he united the above named parties in marriage. Said license and certificate being on record in the office of the County Clerk of Atoka County.

Q Were you ever married before your marriage to your present wife? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q So far as you know there was no legal objection in the way of this marriage? A No sir.
Q What was the residence of your wife? A She lives near Marlow now.
Q What was her residence before her marriage? A That was her residence for two years.
Q What Nation is Marlow in? A Chickasaw.
Q Where did she live before moving to Marlow? A Why she lived down here at Atoka four or five years.
Q She was living at Marlow for two years before your marriage? A Yes sir.
Q Has you wife a sister named Cora A. Neely? A Yes sir.
Q Is she living? A Well they have one they call Cora, I don't know whether that is the one or not, I guess she is the one.
Q Has she a brother named William E. Neely? A Yes sir.
Q Is he living? A No sir he got killed.
Q William E. Neely was killed? A Yes sir he got killed.
Q Has she a sister named May E. Neely? A Yes sir.
Q Is she living? A Yes sir.
Q Has she a brother named Martin O.? A yes sir.
Q Is he living? Yes sir.
Q Has she a sister named Viva A.? A Yes sir.
Q Is she living? A Yes sir.
Q Has she a brother Joseph R. Neely? A Well I have seen one of her brothers.
Q The youngest brother? A No sir not the youngest. The oldest.
Q About how old was he? Do you know? A I suppose he was about thirty years old.
Q Brother of your wife? A Yes sir.
Q What is his full name? A I don't know.
Q Is he called Joseph? A I don't know his given name.

Chectaw D. #794-3

Chas. Diffendaffer, after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on September 20, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 22 day of September, 1902.

Guy L. T. Emerson
Notary Public.

AXB
DGD

7-D-794. DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Walter T. Jelks for enrollment as a citizen by intermarriage of the Choctaw Nation.

------o------

The applicant, Walter T. Jelks, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to Caroline E. Jelks (nee Neely) or Caroline E. Neely.

The right of the applicant's wife, Caroline E. Jelks (nee Neely) or Caroline E. Neely, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on October 20, 1904, in case No. 79 upon the South McAlester Docket of said court, it is hereby ordered that the application of Walter T. Jelks, for enrollment as a citizen by intermarriage of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

NOV 12 1904

(COPY)

MARRIAGE LICENSE.

Choctaw Nation.)
) SS. To any person authorized by law to solemnize
Atoka County.)
marriages-Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Walter Thos. Jelks, of Rush Springs, in the Ind. Ter., aged 25 years, a citizen of the United States, and M Caroline E. Neeley of Marlow, a citizen of the Choctaw Nation in the Ind. Ter., aged 16 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this 10th day of Sept. A. D., 1902.

(Signed) R. W. Harrison,

Clerk of the County Court.

By-_____Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation,)
) SS. I, D. W. Garvin, a Minister of the Gospel
_____County.)
Do hereby certify, that on the 17 day of Sept., A. D., 1902, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therin named.

Witness my hand this 17th day of Sept., A. D., 1902.

(Signed) D. W. Garvin,

A Minister of the Gospel.

I, Helen C. Bradley, stenographer to the Commissioner to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct copy of the marriage license and certificate of marriage issued between Walter Thos. Jelks and Caroline E. Weeley, as the same appears of record in the office of the Commissioner to the Five Civilized Tribes.

Helen C. Bradley

Subscribed and sworn to before this 6 day of July 1908

Snowden P. Morrison
Notary Public

Witness my hand this 17th day of Sept., A. D., 1902.

(Signed) D. W. Garvin,

A Minister of the Gospel.

COPY. 7-D-794

Muskogee, Indian Territory, November 12, 1904.

Walter T. Jelks,

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-794.

7-D-794

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Walter T. Jelks as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Insl. 7-D-794.

15230-1908

Muskogee, Oklahoma, July 8, 1908.

Mr. Walter T. Jelk,

Chickasha, Oklahoma.

Sir:

In compliance with the request made by you under date of May 31, 1908, there is enclosed you herewith the original marriage license and certificate of marriage of Walter Thos. Jelks and Caroline E. Neely, a certified copy of which has been retained with the records of this office.

Respectfully,

WFC(VR 246)

Commissioner.

Arizona C. Massey

Record transferred to
Chochiu card 5773

Choc. D. 796
Emma Pearl Morrow

CHOCTAW. 478

Emma Pearl Morrow.

DISMISSED

JAN 21 1905

Wife of William F. Morrow
on Choctaw Card # 5023.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

EMMA F. MORROW 7-D-796.

1886

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of,

MR. W. H. Hanner

AND

MS Emma Meek

were filed in my office in said Territory and District the 4 day of Sept., A. D. 190.2, and duly recorded in Book F of Marriage Record, Page 441.

WITNESS my hand and Seal of said Court, at Ardmore, this 5 day of Sept. A. D. 190.2.

C. M. Campbell
Clerk.

Surrender this License to the United States Clerk at Ardmore, that it may be recorded. Return, when recorded, mailed to the proper address.

FILED

Ardmoreite Steam Print

SEP 4 1902 8 AM

C. M. CAMPBELL, Clerk.
Southern Dist. Ind. Ter.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 23 1902

ACTING CHAIRMAN.

CHOCTAW.
~~CHICKASAW.~~
2796

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. W. F. Morrow, of Paola in the Indian Territory, aged 23 years, and Miss Annie Mock, of Paola in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 4 day of July, A. D. 1902

Chas. M. Campbell
Clerk of the United States Court.

By J. T. Fleming Deputy.

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } ss:

I, J. K. Florence
a Minister of the Gospel

do hereby certify, that on the ..... day of ....., A. D. 190..., I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 4 day of July, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, Page 44

NOTE—The person officiating should fill in the spaces for book and page and sign here.

J. K. Florence
or a Minister of the Gospel.

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } *ss:*

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. W. F. Morris, of Pauls in the Indian Territory, aged 23 years, and Miss Annie McG. of Pauls in the Indian Territory, aged 16 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 4 day of July, A. D. 1902

Chas. M. Campbell
Clerk of the United States Court.

By J. T. Fleming Deputy.

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } *ss:*

I, J. K. Florence
a Minister of the Gospel

do hereby certify, that on the ..... day of ....., A. D. 190..., I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 6 day of July, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, Page 44

NOTE—The person officiating should fill in the space for book and page and sign here.

J. K. Florence
a Minister of the Gospel.

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

Choctaw D. #796.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Ter. Sept. 22, 1902.

----:----

In the matter of the application of Emma Pearl Morrow for the enrollment of herself as an intermarried citizen of the Choctaw Nation.

Emma Pearl Morrow being duly sworn testified as follows:

Examination by the Commission:

Q What is your full name? A Emma Pearl Morrow.
Q How old are you? A Sixteen.
Q What is your post office address? A Paoli, I.T.
Q Paoli? A Yes sir.
Q What nation is that in? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A I have lived there two years came from Missouri two years ago.
Q Two years ago you came from Missouri? A Yes sir.
Q You came in 1900? A Yes sir.
Q You have lived in the Chickasaw Nation about two years? A Yes sir.
Q What is the name of your father? A Do you want his full name?
Q Yes. A C. L. Mock.
Q What is his last name Mock? A yes sir.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Melissa Ann Mock.
Q Is she living? A Yes sir.
Q Are both of your parents white persons? A yes sir.
Q Have either of your parents ever made claims for enrollment as citizens of any Indian tribe? A No sir.
Q Have you ever made claims as a citizen of any Indian tribe before this time? A No sir.
Q Are you now applying as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your husband? A William FletcherMorrow.
Q Is he an enrolled and recognized citizen of the Choctaw Nation? A Yes sir.

The name of the applicant's husband, William Fletcher Morrow, appears upon the records of the Commission on Choctaw Roll Card, Field number 5023, having been admitted to Choctaw citizenship by the United States Court for the Southern District of Indian Territory on December 22, 1897; in court case #115.

Q When were you married to William Fletcher Morrow? A fifth day last July - sixth day -
Q July 6, 1902? A Yes sir.
Q Where did this marriage take place? A At Paoli.

Choctaw D. #796-2

Q Were you married inaccordance with the Chickasaw law? A No sir
Q Have you evidence of that marriage with you? A Yes sir.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, marriage license issued by the clerk of the United States Court for the Southern District Indian Territory, to W. F. Morrow and Emma Mack, and attached thereto is the certificate of J. K. Florence to the effect that he united the above named parties in marriage. Said marriage license and certificate being on file in the office of the clerk of the United States Court Book "F" of the Marriage Record, page 441.

Q Were you ever married before you marriage to your present husband? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q What was his residence at the time of this marriage, your husband's residence was it Paoli? A Yes sir. Paoli.
Q You resided at Paoli also? A Yes sir. Lived near Paoli.
Q You are still living together as husband and wife? A Yes sir.

---:---

Chas. Diffendaffer, after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on September 22, 1902 and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 22 day of September, 1902.

Guy L. V. Emerson
Notary Public.

364

7-D-796.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma P. Morrow as a citizen by intermarriage of the Choctaw Nation.

-----oOo-----

The applicant, Emma P. Morrow, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William F. Morrow.

The right of the applicant's husband, William F. Morrow (as William Fletcher Morrow), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court court, it is hereby ordered that the application of Emma P. Morrow for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Muskogee, Indian Territory,

JAN 21 1905

Choctaw D-796.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Emma P. Harrow,

Paoli, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 21, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 4-D-796.

Choctaw D-796.

COPY.

Muskogee, Indian Territory, January 21, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 21, 1906, dismissing the application for the enrollment of Emma P. Morrow as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)
Tams Bixby
Chairman.

Incl. 7-D-796.

Choc. D. 717
John Clay Parker

CHOCTAW D 797

John Clay Parker.

DEC [illegible] OCT [illegible]

COPY OF DECISION FORWARDED
APPLICANT

COPY OF [illegible] FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
OCT 31 [illegible]

ACTION APPROVED BY
SECRETARY OF INTERIOR.
DEC 1 2 1904

NOTICE OF [illegible] ACTION MAILED APPLICANT.

[illegible] OF DEPARTMENT [illegible] TION
FOR [illegible] ATTORNEY [illegible] TAW
CHICKASAW [illegible]
DEC [illegible] 1904

RE[illegible]ED

Choctaw D. #797.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 22, 1902.

----:----

In the matter of the application of John Clay Parker for the enrollment of himself as an intermarried citizen of the Choctaw Nation.

John Clay Parker being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Clay Parker.
Q How old are you? A I was forty-seven years old last July.
Q What is your post office address? A Antlers, Indian Territory.
Q What Nation is Antlers in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation? A Well let me see, I was married in seventy-eight, in January seventy-eight. I was here a year or two before I was married and I have been married about twenty-three years I think.
Q You moved to the Territory when you married? A Well a week or two after our marriage; staid about two weeks.
Q Where were you married? A In Texas near Paris, got my license in Paris.
Q How long did you live in Texas before you were married? A About two years, I was going backwards and forwards trading first on this side of the river and then on the other.
Q You were gone about two weeks and then resided permanently in the Territory? A Yes sir.
Q What is the name of your father? A My father? J Parker.
Q Is he living? A No sir, he is dead.
Q What is the name of your mother? A Melvina Parker.
Q Is she living? A No sir, she is dead to.
Q Were both of your parents white persons? A Yes sir.
Q Both citizens of the United States? A Yes sir.
Q Did either of your parents ever make claims for enrollment as a member of any Indian tribe? A No sir.
Q Have you ever made application for enrollment as a citizen of any Indian tribe? A No sir. Well it seems like they enrolled me to, several years ago.
Q The Choctaw Nation? A Yes sir the Choctaw Nation, it seems that they did several years ago, three or four years ago.
Q What is the name of your wife? A Eliza Willis.
Q Are you now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Is your wife living? A No sir, she is dead.
Q Was she recognized and enrolled as a citizen of the Choctaw Nation A Yes sir, she was an Indian by blood, about a fourth.
Q When did she die? A She died, let me see, last May about three years ago.
Q Were you ever recognized or enrolled by the tribal authorities of the Choctaw Nation? A I think I was.

Choctaw D. #797-2

The name of the applicant, John Clay Parker, is identified on the 1896 Choctaw Census Roll, Kiamichi #14939, being enrolled as an intermarried citizen of the Choctaw Nation. The applicant is the father of Gabriel E. Parker, Choctaw Roll Card, Field number 1629.

Q When were you married to your wife Eliza? A January 4, 1878, I think it was.
Q Where did this marriage take place? A Took place in Lamar County Texas.
Q Were you a resident of the state of Texas at that time? A Well I was trading first in Texas and then in the Territory.
Q Was your wife a resident of the Choctaw Nation at that time? A Yes sir. She was educated by the Choctaw Nation.
Q Did you ever obtain a license from the authorities of the Choctaw Nation? A No sir. When I went to get married I had been over there and they invited me over there to get married. I asked several people if it would make any difference I got married over there and they did't think it would.
Q How long did you stay in Texas after your marriage? A Ten days or two weeks.
Q Then you returned to the Choctaw Nation? A Yes sir.
Q And have lived there ever since? A Yes sir.
Q Have you always been recognized as a citizen of the Choctaw Nation since this marriage? A Yes sir.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, marriage license issued by the County Clerk of Lamar County, Texas, to J. C. Parker and Eliza Willis, and attached thereto is the certificate of J. C. Keeney to the effect that on January 4, 1878 he united the above named parties in marriage. Said license and certificate being on record in the office of the County Clerk of Lamar County, state of Texas.

There is offered in evidence, marked Exhibits "B. C. D. and E., permits and appointment issued by officers of the Choctaw Nation to the applicant.

Q Has you right as an intermarried citizen of the Choctaw Nation ever been questioned by any officers of the Choctaw Nation? A No sir.
Q You have always been recognized in the nation as a citizen of that tribe? A Yes sir, voted at all elections.
Q You have always voted? A Yes sir.
Q Mr. Parker you will please state the names of your children and their ages? A Well as near as I can. The oldest boy he is bout twenty-three or near that.
Q Give his name first. A Gabriel E. Parker.
Q What is the Next ? A J. W. Parker, he was eighteen.
Q What is the name of the next one? A Next one living? She is thirteen, a girl.
Q What is her name? A Lula Parker.
Q What is the next one? A Cora, She is about twelve.
Q What is the name of the next one? A Georgia Parker, she is about eight.

Choctaw D. #797-3

Q Are all these children living at the present time? A Yes sir.
Q What is the name of your daughter who is dead? A Her name is Effie. She would have been about twenty now I guess.
Q Mr Parker were you ever married before your marriage to Eliza Willis? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Have you ever married since her death? A No sir.
Q Have you any other papers or evidence which you wish to offer? A Yes sir.

The applicants offers in evidence, which are marked Exhibits "F. and G.", affidavits of G. W. Colbert and V. M. Locke, relative to his recognition as a x citizen by intermarriage of the Choctaw Nation.

---------:---------

Chas. Diffendaffer after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on September 22, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 25 day of September, 1902.

B O Jones
Notary Republic.

COPY

OFFICE OF TRUSTEE
Of Third District,

CHOCTAW NATION.

Reposing special trust and confidence in the ability and integrity of Hon J.C. Parker, I hereby designate and appoint him Local Trustee of Prairie Grove neighborhood school, situated in Kiamichi county, in the ..... District, Choctaw Nation. Therefore he, the said Mr J.C. Parker, is hereby authorized to employ a teacher, licensed by the proper authority, for said school and to make true report of the attendance at said school, monthly, to this office. & visit your school once in each month.

Given under my hand and seal of office this the fourth day of Febry A.D. 1895

S.L Bacon
(S E A L) Trustee Third District Choctaw Nation.

(Endorsed on back)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D SEP 22 1902

Tams Bixby Acting Chairman

Ex D

IN COUNTY COURT April TERM THEREOF.

GOODLAND COURT GROUND, CHOCTAW NATION, KIAMICHI COUNTY.

TO ALL TO WHOM THESE PRESENTS SHALL COME,---GREETING.

Know Ye:

That the application of one J.C. Parker a resident of the county aforesaid and a citizen of the C. N. asking for a renters permit for one _____ Wesley Nelson a citizen of the United States of America has this day been duly considered and approved by the Honorable I. E. Hotewa County and Probate Judge in and for the county aforesaid.

NOW THEREFORE, I, D.W. Oakes County and Probate Clerk of Kiamichi County, by virtue of the authority in me vested by the Constitution and Laws of the Choctaw Nation, do hereby permit him the said Wesley Nelson to reside and remain on the farm of the said J.C. Parker and within the county aforesaid, for the period of twelve months, commencing Jan. 1st 1896, and ending Dec 31 1896

Given under my hand and seal of office this 22 day of April A.D. 1896.

D.W. Oakes
(S E A L) County and Probate Clerk.

(Endorses on back) J.C. Parker for Wesley Nelson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D SEP 22 1902
Tams Bixby Acting Chairman

Ex B

IN COUNTY COURT Vacation TERM THEREOF.

GOODLAND COURT GROUND, CHOCTAW NATION, KIAMICHI COUNTY.

TO ALL TO WHOM THESE PRESENTS SHALL COME, -- GREETING.

KNOW YE: That the application of one J. C. Parker a resident of the County aforesaid and a citizen of the Choctaw Nation asking for a renters permit for one R.S. Hart a citizen of the United States of America has this day been duly considered and approved by the Honorable S. L. Oakes County and Probate Judge in and for the county aforesaid.

NOW THEREFORE, I, J.L Burney County and Probate Clerk of Kiamichi County, by virtue of the authority in me vested by the Constitution and Laws of the Choctaw Nation, do hereby permit him the said R.S. Hart to reside and remain on the Farm of the said J.C. Parker and within the county aforesaid, for the period of twelve months, commencing Jan 1 1897 and ending Dec 31 1897,

Given under my hand and seal of office this 15 day of March A.D. 1897

J.L. Burney
County and Probate Clerk.

(S E A L)
(Endorsed on back)

No 122
J. C. Parker for R.S. Hart

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D SEP 22 1902

Tams Bixby Acting Chairman.

Ex C

IN COUNTY COURT Vacation TERM THEREOF.

GOODLAND COURT GROUND, CHOCTAW NATION, KIAMICHI COUNTY.

TO ALL WHOM THESE PRESENTS SHALL COME,---GREETING.

Know Ye:

That the application of one J.C. Parker a resident of the county aforesaid and a citizen of the Choctaw Nation asking for a renters permit for one Joe Harris a citizen of the United States of America has this day been duly considered and approved by the Honorable S. L. Oakes County and Probate Judge in and for the county aforesaid.

NOW THEREFORE, I, J.L. Burney County and Probate Clerk of Kiamichi County, by virtue of the authority in me vested by the Constitution and Laws of the Choctaw Nation, do hereby permit the said Joe Harris to reside and remain on the Farm of the said J. C. Parker and within the county aforesaid, for the period of twelve months, commencing Jan 1 1897 and ending Dec 31 1897

Given under my hand and seal of office this 15 day of March A.D. 1897

J. L. Burney
County and Probate Clerk.

(S E A L)

(Endorsed on back)

" Ex E" No 124
J. C. Parker for Joe Harris

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
F I L E D SEP 22 1902
Tams Bixby Acting Chairman.

BEFORE THE SECRETARY OF THE INTERIOR:
In re application of J.C. PARKER for enrollment as a member by intermarriage of the Choctaw Nation.

C. W. Colbert having been by me first duly sworn according to law states on his oath that he has been well and personally acquainted with J.C. Parker for the last 20 years, and that he knows of his own knowledge that the said J. C. Parker has continuously resided in the Choctaw Nation for the last 20 years; that ever since his marriage to Eliza E. Willis he has been duly recognized by the officers of the Choctaw Nation as a member by intermarriage of the said Choctaw Nation, and that his said wife, Eliza E. Willis was a resident and member by blood of the Choctaw Nation.

Affiant further shows that he is not interested in the prosecution of this claim and that he is not related to the said J.C. Parker.

Further affiant sayeth not.

C.W. Colbert

Subscribed and sworn to before me this 30 day of Oct 1899.

W. P. Stewart,
Notary Public.

(S E A L)
(Endorsed on back) # Ex G"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D SEP 22 1902

Tams Bixby Acting Chairman.

BEFORE THE SECRETARY OF THE INTERIOR:

In re application of J. C. PARKER for enrollment as a member by intermarriage of the Choctaw Nation.

V. M. Locke having been by me first duly sworn according to law states on his oath that he has been well and personally acquainted with J. C. Parker for the last past 22 years, and that he knows of his own knowledge that the said J. C. Parker has continuously resided in the Choctaw Nation for the last past 22 years; that ever since his marriage to Eliza E. Willis he has been duly recognized by the officers of the Choctaw Nation as a member by intermarriage of the said Choctaw Nation, and that his said wife, Eliza E. Willis, was a resident and member by blood of the Choctaw Nation.

Affiant further shows that he is not interested in the prosecution of this claim and that he is not related to the said J. C. Parker.

Further affiant sayeth not.

V. M. Locke

Subscribed and sworn to before me this 30 day of Oct. 1899.

W. P. Stewart

(SEAL) Notary Public.

(Endorsed on back as follows)

Ex F.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED SEP 22 1902.
TAMS BIXBY ACTING CHAIRMAN.

Exhibit "A"

STATE OF TEXAS COUNTY OF LAMAR.

MARRIAGE LICANSE.

TO ANY REGULARLY LICENSED OR ORDAINED MINISTER OF THE GOSEPL, JEWISH RABBI, JUDGE OF THE DISTRICT OR COUNTY, COURT OR ANY JUSTICE OF THE PEACE IN AND FOR LAMAR COUNTY. GREETING:

You are hereby authorized to Solemnize the rites of matrimony between Mr. J. C. Parker and Mrs. Eliza E. Willis and make due return to the Clerk of the County Court of said County within Sixty days thereafter certifying your action under this License.

WITNESS my official signature and seal of office at my office in Paris this 31st day of Dec-A. D. 1877.

(SEAL) D. Ridley

Clerk County Court Lamar Co.

BY _____ Deputy

I J. C. Keeney hereby certify that on the 4th day of Jany A. D. 1878 I united in Marriage- J. C. Parker and Eliza Willis the parties above named.

WITNESS my hand this 4th day of Jany A. D. 1878

By raquest J. C. Keeney

Returned and filed for record the _____ day of _____ 189

and recorded the _____ day of _____ 189

BY _____ Deputy _____ Clerk,

(Endorsed on back as follows)

I L. W. Ross Clerk County Court Lamar County Texas do hereby certify that the foregoing page contains a true and correct copy of the Marriage License and return of J. C. Parker and Mrs Eliza W. Willis as shown on Book No 7 Page No 247 Marriage Records of Lamar County Texas.

Given under my hand and seal of office this Oct- 16th A. D. 1899.

L. W. Ross Clerk County Court-
Lamar Co Texas.

(SEAL) STAMP

"Ex A."

No._____

MARRIAGE LICENSE.

AND

Issued the_____day of_____189.

Clerk County Court Lamar Co.

BY_____Deputy.

Filed the _____day of _____189

Clerk County Court Lamar Co.

BY_____Deputy

Recorded in Book _____Page _____of Marriage Records.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Filed Sep 22 1902.

Tams Bixby Acting Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Clay Parker as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-797.

We hereby request, on behalf of the Choctaw and Chickasaw Nation, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights, by intermarriage, if any, of those white persons who married with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

(Endorsed on back as follows)
Choctaw D-797.
In the matter of the enrollment of John Clay Parker as an intermarried citizen of the Choctaw Nation. PROTEST of Choctaw and Chickasaw Attorneys. PROTEST overruled by Department
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED FEB 6 1904.
TAMS BIXBY CHAIRMAN.

NF.

7-D-797.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Clay Parker as a citizen by intermarriage of the Choctaw Nation.

--DECISION--

It appears from the record herein that on January 4, 1878 the applicant, John Clay Parker, a white man, was married under the laws of the State of Texas to Kliza E. Parker (nee Willis) a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Kiamitia County, number 200, upon the 1893 Choctaw Leased District Payment Roll, Kiamitia County, page 73, number 391 and upon the 1896 Choctaw Census Roll Kiamitia County, page 266, number 10449, enrolled on said rolls as a citizen by blood of said nation; that at the time of said marriage the applicant was a resident of the State of Texas and the said Kliza E. Parker was a resident in good faith of the Choctaw Nation; that they lived together continuously as husband and wife in said nation from the date of said marriage until the death of said Kliza E. Parker in May 1899 and that the applicant had continued to reside in the Choctaw Nation and had not remarried up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1885 Choctaw Census Roll, Kiamitia County, number 199 and upon the 1896 Choctaw Census Roll, Kiamitia County, number 14949, enrolled on said rolls as a citizen by intermarriage of said nation.

It does not appear from the record herein or the records in the possession of the Commission that the applicant was ever married to a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, or that he was ever admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It is, therefore, the opinion of this Commission that the application for the enrollment of John Clay Parker as a citizen by intermarriage of the Choctaw Nation should be denied, in accordance with the provisions of the act of Con-

-3-

Act approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COPY.

7-D-797

Muskogee, Indian Territory, October 15, 1904.

John Clay Parker,

Handen, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, refusing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-797

Copy.

7-D-797

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, refusing the application for the enrollment of John Clay Parker as a citizen by intermarriage of the Choctaw Nation.

You are further advised that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Incl. 7-D-797.

COPY.

Muskogee, Indian Territory, October 31, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by John Clay Parker for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated October 15, 1904, denying said application.

Respectfully,

SIGNED

James Bixby

Chairman.

2 Inel. 7-D-797.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON November 12, 1904.

Land.
78136-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewit, a report from the Commission to the Five Civilized Tribes, dated October 31, 1904, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by John Clay Parker.

October 15, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is enrolled on the 1885 and the 1896 Choctaw census rolls, Kiamitia County, as a citizen by intermarriage of said Nation.

It does not appear that the applicant was ever married to a recognized and enrolled citizen by blood of the Choctaw Nation in accordance with the laws, customs and usages of said Nation, or that he was ever admitted to citizenship by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

A. C. Tonner,
Acting Commissioner.

W.M.M.
W.

Y. P.

DEPARTMENT OF THE INTERIOR
WASHINGTON December 17, 1904.

D. C. 49528-1904.
I. T. D. 11684-1904.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

October 31, 1904, you transmitted the record in the matter of the application of John Clay Parker for enrollment as an intermarried citizen of the Choctaw Nation, including your decision of October 15, 1904, denying said application.

Reporting in the matter November 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

Choctaw 3 Ref

COPY.

Muskogee, Indian Territory, December 30, 1904.

John Clay Parker,

Newman, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of December 17, 1904, affirmed the decision of this Commission dated October 15, 1904, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Choctaw 3 797

COPY.

Muskogee, Indian Territory, December 24, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of December 17, 1904, affirmed the decision of this Commission dated October 15, 1904, denying the application for the enrollment of John Clay Parker as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby

Chairman.

Choctaw D 797

Muskogee, Indian Territory, January 21, 1908.

J. C. Parker,

Wewoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 2, asking what action has been taken in your application for citizenship.

In reply to your letter you are advised that it appears from our records that John Clay Parker has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and that his final right to enrollment has not been passed upon. As soon as a decision is reached in this case you will be duly notified of the action of the Commission.

The matter of the classification of your land has been made the subject of another communication.

Respectfully,

Choctaw E 797

Muskogee, Indian Territory, February 13, 1904.

John Clay Parker,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

1D 197

Muskogee, Indian Territory, September 21, 1904.

Honorable Green McCurtain,
Principal Chief, Choctaw Nation,
Kinta, Indian Territory.

Dear Sir :-

I am in receipt of your letter of the 12th inst., requesting to be advised relative to the status of the application of J. C. Parker for enrollment as an intermarried citizen of the Choctaw Nation.

I find from an examination of the record in this case that John Clay Parker was, on January 4, 1872, under a license issued by the Clerk of the County Court of Lamar County, Texas, married to Eliza E. Willis, a recognized and enrolled citizen by blood of the Choctaw Nation. It does not appear, however, from the record in this case, that Parker was ever married to his Choctaw wife in accordance with the laws, customs and usages, of the Choctaw Nation. It appears, however, that he has, since his marriage to Eliza E. Willis, been recognized by the tribal authorities as a citizen of the Choctaw Nation, his name appearing on the 1885 and 1896 Choctaw census rolls.

This case is now receiving the consideration of the Commission, and a decision will probably be rendered in the near future.

Mr. [illegible], Jr.

When such decision is reached, Mr Farley will be furnished with a copy thereof.

Respectfully,

Chairman.

7-D-799

Muskogee, Indian Territory, January 20, 1905.

John Clay Parker,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 14, 1905, relative to your right to enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appearing from the record in your case that you were not married to your Choctaw wife in accordance with the laws, customs and usages of the Choctaw Nation and that you were never admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, on October 15, 1904, the Commission rendered its decision refusing your application for enrollment as an intermarried citizen of the Choctaw Nation, and on December 17, 1904, this action of the Commission was approved by the Secretary of the Interior. The Commission therefore considers your case closed.

Respectfully,

Chairman.

7-P-797

Muskogee, Indian Territory, February 27, 1905.

McCurtain & Hill,

Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 21, 1905, in which you ask the status of the application of John Clay Parker for enrollment as an intermarried citizen of the Choctaw Nation, also request to be informed whether or not he made application for citizenship under the act of June 10, 1896.

In reply to your letter you are informed that it appears from our records that John Clay Parker presented an application for admission as an intermarried citizen of the Choctaw Nation to this Commission under the provisions of the act of Congress approved June 10, 1896, which application was rejected in Choctaw 1896 case No. 585.

It further appears that on October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision refusing the application of John Clay Parker for enrollment as an intermarried citizen of the Choctaw Nation which action was approved by the Secretary of the Interior December 17, 1904.

Respectfully,

Commissioner in Charge.

8 798

Lena Eliza Parr.

Record transferred to
Chocteau card # 1763

CHOCTAW 799

Frank M Sterrett

Transferred to Choctaw
#3163

CHOCTAW.) 800

Marden Grant

Transferred to Choctaw
108

CHOCTAW 1 801

Ina Katherine Ward

Transferred to Choctaw
#4716

CHOCTAW

1 802

Martha Elizabeth Grant

Transferred to Choctaw
#5898 JAN 2 1905

CHOCTAW 803

A. B. Camden

Transferred to Choctaw
[illegible]

CHOCTAW 804

Nannie Lee Spain

Transferred to Choctaw
#5905

CHOCTAW D 805

GRANTED
and transferred
to Choctaw Nation
MAY 15 1905

CHOCTAW D 808

Grand Lount

GRANTED.

and transposed to Choctaw

MAY 15 1905

CHOCTAW 807

Ora Merryman

Transferred to Choctaw
#-2879

D 808

Lula Hendrix

Record transferred to

WARRAW. #4468.

CHOCTAW 809

Carver v. Burkholtz

Transferred to Choctaw
2-15

CHOCTAW 810

Mons E. Crisp

Transferred to Choctaw
#4170

CHOCTAW D 811

Charles E. Archer

Transferred to Choctaw
#5906

CHOCTAW D 812

Alice V. K. Burkes

Transferred to CHOCTAW *5874.

CHOCTAW 813

Treaty by Jackson 1830

Transfers of the Choctaws

CHOCTAW D 814

Eliza Ellen Rector,

Record transferred to

CHOCTAW: # 413

CHOCTAW D 815

Emma Lively Hilsdon.

Record transferred to

CHOCTAW. #5869

Chas. D. Lib
Emma Seifried

[redacted] 2816.

Emma Seifried

DECISION RENDERED JAN 2 1905

REFUSED

COPY OF DECISION FORWARDED APPLICANT

COPY OF DECISION FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS. JAN 2 1905

RECORD FORWARDED DEPARTMENT.

Wife of Henry Seifried on Chickasaw Roll # 1641.

Feby. 17, 1905. Department desires report as to recognition, if any, of Henry Seifried as a Choctaw.

April 13, 1905. Report to Dept. as to Choctaw citizenship of Henry Seifried.

ACTION APPROVED BY SECRETARY OF INTERIOR. MAY 25 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 5 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. JUN 5 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. JUN 5 1905

Department of the Interior
Commission to the Five Civilized Tribes
Paula Valley, I.T. October 21, 1902.

Original.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Emma Seifried.

J. F. Sharp, attorney for applicant.

Emma Seifried being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Emma Seifried.
Q How old are you? A Twenty-three.
Q Post office? A Wayne, I.T.
Q In the Chickasaw Nation? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A Twelve years
Q Continuously? A Yes, sir.
Q You are a white woman? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband through whom you claim your rights? A Henry Seifried.
Q Is he living at this time? A Yes, sir.
Q He is a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.
Q When were you married to him? A October 15, 1901.
Q Where? A Here in this Court house.
Q Here in Paula Valley? A Yes, sir.
Q Where was he living when you married him? A Wayne.
Q Chickasaw Nation? A Yes, sir.
Q How long had he been living in the Chickasaw Nation? A All of his life.
Q How long had you known him when you were married to him? A About six years.
Q He had lived in the Chickasaw Nation all of that time to your knowledge? A Yes, sir.
Q Where did you get your license to marry him? A Here at Paula Valley.
Q From the Clerk of the United States Court? A Yes, sir.
Q You were never married to him under a Chickasaw license? A No, sir.
Q This marriage under a United States license at Paula Valley October 15, 1901 was the only time you were ever married to him? A Yes, sir.
Q Were you ever married before you married him? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q Have you been living together in the Chickasaw Nation as husband and wife continuously since your marriage October 15, 1901? A Yes, sir.
Q You are living together as husband and wife now and are bonafide residents of the Chickasaw Nation? A Yes, sir.
Q You have no Indian blood whatever? A No, sir.
Q Is your father living? A No, sir; not that I know of.
Q What was his name? A William Lemag.

#2

Q Is your mother living? A Yes, sir.
Q What is her name? A Susan Vermillion.
Q Neither of your parents were ever recognized in any manner as members of either the Choctaw or Chickasaw tribes of Indians? A No, sir.
Q Have you your marriage license and certificate with you? A
A Yes, sir.
Q Do you desire to offer it in evidence at this time? A

Marriage license and certificate of Henry D. Seifried and Emma Lemar offered in evidence, identified as exhibit "A", filed and made a part of the record in this case.

Q You are the identical Emma Lemar referred to in this marriage license and certificate are you? A Yes, sir.
Q The Henry D. Seifried referred to in this license is the identical Henry Seifried who appeared before the Commission in 1899 and made application for enrollment as a citizen by blood of the Choctaw Nation whose father is William F. Seifried, deceased, and whose mother is Julia Seifried, is he? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 20 day of November 1902.

Charles McSawyer
Notary Public.

MARRIAGE LICENSE

No 1538.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT } SS. TO ANY PERSON AUTHORIZED BY LAW to solemnize marriage, GREETING:

YOU ARE HEREBY COMMANDED To solemnize the Rite and publish the Banns of Matrimony between Mr. Henry D. Seifried of Wayne---------- in the Indian Territory, aged 22 years and Miss Emma Lamar---------- of Wayne----------, in the Indian Territory, aged 22 years, according to law; and do you officially sign and return this License to the parties therein named.

WITNESS MY hand and official seal, this 15th day of October A. D. 1901

C. M. Campbell
(SEAL) Clerk of the United States Court.
By J. T. Flemming, Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA)
INDIAN TERRITORY)SS.
SOUTHERN DISTRICT)

I, J. T. Flemming
a Deputy U. S. Clerk
do hereby certify, that on the 15th day of October A. D. 1901 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of matrimony between the parties therein named.

WITNESS my hand, this 15th day of October A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book Page

J. T. Flemming D/C

(NOTE- The person officiating should fill in the spaces for book and page and sign here)—

Note A- This License and certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof.

of the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100)

Note B)

No person is authorized to perform the marriage ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

Entered on book:

CERTIFICATE OF RECORD OF MARRIAGE

UNITED STATES OF AMERICA }
INDIAN TERRITORY } SCT/
SOUTHERN DISTRICT }

I, C. M. Campbell, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. Henry D. Seifried - - - - - - - - - and
Miss Emma LaMar

were filed in my ~~[illegible]~~ office in said Territory and District the 16 day of Oct. A. D. 1901
and duly recorded in Book F of marriage record, Page 65

Witness my hand and Seal of said Court, at Ardmore,
This 19 day of Feb A. D. 1902

C. M. Campbell
Clerk.

FILED Oct 16 1901 8 A M

Filed C. M. Campbell, Clerk.

Return to Ardmore, ceremony performed outside office.

Return this License to the United States ~~[illegible]~~ Clerk at Ardmore that it may be recorded, when it will be mailed to the proper address.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED Oct 21 1902

T. M. KIDDY,
Acting Chairman.

(COPY)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Seifried as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-816.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Endorsed on back:

Choctaw D-816.

In the matter of the enrollment of Emma Seifried as an intermarried citizen of the Choctaw Nation.

Protest of Choctaw and Chickasaw Attorneys.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED FEB 6 1904.

TAMS BIXBY, Chairman.

7-D-816.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application for the enrollment of Emma Seifried as a citizen by intermarriage of the Choctaw Nation.

--oOo--

-:D E C I S I O N:-

--oOo--

The applicant herein, Emma Seifried, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage, under a United States license, on October 15, 1901, to Henry Seifried, who she claims is a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that at the time the applicant made application for enrollment as a citizen by intermarriage of the Choctaw Nation her husband, the said Henry Seifried, had been listed by this Commission for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the records of the Commission that the said Henry Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing as number 4660 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on April 13, 1903.

From the record herein it appears that at the time of said marriage both the applicant and the said Henry Seifried were residents of the Chickasaw Nation.

It does not appear from the record herein, or from the records in the possession of the Commission, that the applicant has ever been enrolled by the tribal authorities of the Choctaw or Chickasaw Nations; neither does it appear that she has ever been admitted to citizenship in either of said nations by the legally constituted authorities thereof; neither does it appear that she has ever been admitted to citizenship in either of said nations by the Commission to the Five Civilized Tribes, or by the United States Court in the Indian Territory, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It further appears from the record herein and from the records of the Commission that the applicant has no right to enrollment as a citizen of either the Choctaw or Chickasaw Nations, except such as she may have acquired through her marriage to the said Henry Seifried; that the name of the said Henry Seifried does not

appear on any of the Choctaw tribal rolls in the possession of the Commission, but that he is, as above set forth, a recognized and enrolled citizen by blood of the Chickasaw Nation.

It further appears from the record herein that the applicant was never married to the said Henry Seifried in accordance with the laws, customs and usages of the Chickasaw Nation.

It is therefore the opinion of this Commission that the applicant, Emma Seifried, is not entitled to enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations, and that her application for enrollment as a citizen by intermarriage should be denied in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 21 1905

Choctaw D 816

COPY.

Muskogee, Indian Territory, January 21, 1905.

Emma Seifried,

Wayne, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 21, 1905, denying your application for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation .

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tams Bixby

Chairman.

Registered.

Incl. 7-D-816.

Choctaw D 816

COPY.

Muskogee, Indian Territory, January 21, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 21, 1905, denying the application for the enrollment of Emma Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation .

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. T-D-816.

Choctaw D 216

COPY.

Muskogee, Indian Territory, January 21, 1905.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 21, 1905, rendered its decision denying the application for the enrollment of Emma Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Emma Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation , including the decision of the Commission, dated January 21, 1905, denying said application.

Respectfully,

[illegible]

Tams Bixby

Chairman.

Incl. T-D-216.

Through the
Commissioner of Indian Affairs.

(COPY). GR
LLB

DC.7745-1905.
ITD.2874-1905.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,
(NO DATE)

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 21, 1905, you transmitted the record of proceedings had in the matter of the application of Emma Seifried for her enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of same date, adverse to applicant.

The Commission in its decision states--

"It appears from the records of the Commission that at the time the applicant made application for enrollment as a citizen by intermarriage of the Choctaw Nation her husband, the said Henry Seifried, had been listed by this Commission for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the records of the Commission that the said Henry Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing as number 4560 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on April 13, 1903."

Your attention is invited to the concluding part of your decision wherein you state "that the name of the said Henry Seifried does not appear on any of the Choctaw tribal rolls in the possession of the Commission."

If this latter statement be correct, you are directed to explain to the Department how it happened that the said Henry Seifried was <u>listed</u> by the Commission for enrollment as a citizen

by blood of the Choctaw Nation.

Inasmuch as applicant, Emma Seifried, claims to have acquired citizenship in the Choctaw Nation through her intermarriage to the said Henry Seifried, it becomes important to determine definitely whether the name of Henry Seifried was rightfully placed on any tribal roll as a citizen by blood of the Choctaw Nation, and whether his name now appears upon any such roll.

An early report hereon is requested.

Respectfully,

THOS. RYAN,

Acting Secretary.

COPY.

Muskogee, Indian Territory, April 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter without date (I.T.D.1274-1906), received by the Commission February 17, 1906, in reference to the application of Emma Seifried for enrollment as a citizen by intermarriage of the Choctaw Nation, which application was refused by the decision of the Commission of January 21, 1905.

The Department invites attention to the language used in said decision, as follows:

> "It appears from the records of the Commission that at the time the applicant made application for enrollment as a citizen by intermarriage of the Choctaw Nation her husband, the said Henry Seifried, had been listed by this Commission for enrollment as a citizen by blood of the Choctaw Nation.
>
> "It further appears from the records of the Commission that the said Henry Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing as number 4660 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on April 13, 1903."

The Department desires to be informed if the statement "that the name of the said Henry Seifried does not appear on any of the Choctaw tribal rolls in the possession of the Com-

mission" is correct; and, if so, that an explanation be submitted as to how it happened that the said Henry Seifried was listed for enrollment as a citizen by blood of the Choctaw Nation.

Reporting upon the matter of the citizenship of Henry Seifried, I have the honor to advise that application was first made for his enrollment as a citizen of the Chickasaw Nation September 1, 1899, it appearing that his father, William F. Seifried, was a non-citizen white man, and his mother, Julia Seifried, was a citizen by blood of the Chickasaw Nation.

Julia Seifried, the mother of Henry Seifried, died prior to the institution of the enrollment of the citizens of the Choctaw and Chickasaw Nations by this Commission. The name of Henry Seifried was, on September 1, 1899, identified upon the 1896 Census Roll of the citizens of the Chickasaw Nation, Pontotoc County.

Subsequently, on November 16, 1899, it was alleged that Julia Seifried, instead of being a citizen of the Chickasaw Nation, was in fact a Choctaw Indian, and that her children, including Henry Seifried, should have been listed for enrollment, not as Chickasaws, but as Choctaws. The name of Henry Seifried was accordingly, on November 16, 1899, transferred from the list of applicants for enrollment as citizens of the Chickasaw Nation to the list of applicants for enroll-

ment as citizens of the Choctaw Nation.

The Commission desires to respectfully invite the attention of the Department to the fact that, at the time this action was taken, we had not been then supplied with all the then existing rolls of the Choctaw and Chickasaw Nations.

After the approval of the Act of Congress of July 1, 1902, (32 Stats.,641), and when the Commission had instituted the work of the preparation of the final rolls of the citizens by blood of the Choctaw and Chickasaw Nations, and the question having arisen as to whether Henry Seifried should be enrolled as a citizen of the Choctaw Nation or a citizen of the Chickasaw Nation, a thorough examination was made of all the tribal rolls of these Nations, with the result that it was found that Henry Seifried and his mother, Julia Seifried, had always been recognized and enrolled by the tribal authorities of the Chickasaw Nation as citizens of that tribe and that they have never had any tribal recognition as citizens of the Choctaw Nation.

It is probable that Julia Seifried was possessed of both Choctaw and Chickasaw Blood, which fact would also be true of her son, Henry Seifried, but as far as their tribal status is concerned, they have always been considered and recognized by the authorities of the two Nations as members of the Chickasaw tribe and not as citizens of the Choctaw

Nation.

Replying specifically to Departmental inquiry as to the tribal recognition of Henry Seifried, I have the honor to report that his name appears upon all the tribal rolls of the Chickasaw Nation in the possession of the Commission made since the date of his birth in 1880, while his name is not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

On March 16, 1903, he was enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Chickasaw Nation, which enrollment was duly approved by the Secretary of the Interior on April 13, 1903.

The statement contained in the decision of the Commission of January 21, 1905, refusing to enroll Anna Seifried as a citizen by intermarriage of the Choctaw Nation,--

> "That, at the time the applicant made application for enrollment as a citizen by intermarriage of the Choctaw Nation, her husband, the said Henry Seifried, had been listed by the Commission for enrollment as a citizen by blood of the Choctaw Nation,"

is correct.

The applicant's husband had no tribal recognition as a citizen of the Choctaw Nation, and while Anna Seifried, in her application of October 21, 1902, applied for enrollment as a citizen by intermarriage of the Choctaw Nation, the decision of the Commission of January 21, 1905, adjudicated

-2-

whatever rights, if any, she might have had both as a citizen by intermarriage of the Choctaw and Chickasaw Nations.

Respectfully,

T. B. Needles

Superintendent in Charge.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

G.R.

LRR

D.C. 27164-1905.
I.T.D. 1274, 5874-1905.

May 25, 1905.

LRR

COPY.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 21, 1905, you transmitted the original record of the application of Emma Seifried for her enrollment as an intermarried citizen of the Chester Nation, including your decision dated January 21, 1905, adverse to the applicant.

February 3, 1905, the Acting Commissioner of Indian Affairs recommended that your decision adverse to applicant be affirmed. Copy of his letter is inclosed.

April 3, 1905, upon request, you transmitted a supplementary report relative thereto.

April 14, 1905, the original record with supplementary report was referred to the Assistant Attorney-General for this Department for his opinion thereon, and in an approved opinion dated May 15, 1905, he held that the decision of the Commission rejecting the application should be affirmed. Copy of said opinion is herewith inclosed.

In accordance with said opinion the Department affirms your decision dated January 21, 1905, adverse to applicant.

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 3, 1905.

Land.

6457-1905.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Emma Siefried.

January 21, 1905, the Commission decided adversely to the applicant.

The record shows that at the time the applicant made application, her husband, Henry Seifried had been listed for enrollment as a citizen by blood of the Choctaw Nation. It further appears that said Henry Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation on a list approved by the Department on April 13, 1903. The record shows that at the date of the marriage of the applicant to Henry Siefried they were both residents of the Chickasaw Nation.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw or Chickasaw Nations or by any United States tribunal.

It further appears that the applicant has no right to enrollment as a citizen of either the Choctaw or Chickasaw Nations except such as she may have acquired through her marriage to Henry Sherrod; that the name of Henry Sherrod does not appear on any Choctaw tribal roll, but he is a recognized and enrolled citizen by blood of the Chickasaw Nation.

It further appears that the applicant was not married to Henry Sherrod in accordance with the laws, customs and usages of the Chickasaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

G. F. Larrabee
Acting Commissioner.

E.K.M.
F.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL, J.R.W.
W.C.P.

I.T.D.
1274, 3706
1905.

WASHINGTON. May 15, 1905.

COPY.

The Secretary of the Interior,

Sir:

I received by reference of April 14, 1905, with request for my opinion thereon, the report of the Commission to the Five Civilized Tribes and record in the case of Emma Seifried for enrollment as a citizen by intermarriage of the Choctaw (Chickasaw) Nation.

The facts as found by the Commission, borne out by the record, are that:

It appears from the records of the Commission that at the time the applicant made application for enrollment as a citizen by intermarriage of the Choctaw Nation her husband, the said Henry Seifried, had been listed by this Commission for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the records of the Commission that the said Henry Seifried is a recognized and enrolled citizen by blood of the Chickasaw Nation, his name appearing as number 4560 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on April 13, 1903. . . . .

It further appears from the record herein that the applicant was never married to the said Henry Seifried in accordance with the laws, customs, and usages of the Chickasaw Nation.

: Application was first made for his enrollment as a citizen of the Chickasaw Nation September 1, 1899, it appearing

that his father, William F. Seifried, was a non-citizen white man, and his mother, Julia Seifried, was a citizen by blood of the Chickasaw Nation. . . . . .

. . . . November 18, 1899, it was alleged that Julia Seifried, instead of being a citizen of the Chickasaw Nation, was in fact a Choctaw Indian, and that her children, including Henry Seifried, should have been listed for enrollment, not as Chickasaws, but as Choctaws. The name of Henry Seifried was accordingly, on November 18, 1899, transferred from the list of applicants for enrollment as citizens of the Chickasaw Nation to the list of applicants for enrollment as citizens of the Choctaw Nation.

. . . . At the time this action was taken, we had not been then supplied with all the then existing rolls of the Choctaw and Chickasaw Nations.

. . . . A thorough examination was made of all the tribal rolls of these Nations, with the result that it was found that Henry Seifried and his mother, Julia Seifried, had always been recognized and enrolled by the tribal authorities of the Chickasaw Nation as citizens of that tribe and that they have never had any tribal recognition as citizens of the Choctaw Nation. . . . . .

On March 18, 1903, he was enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Chickasaw Nation, which enrollment was duly approved by the Secretary of the Interior on April 13, 1903.

The record further shows that Mrs. Seifried, whose maiden name was Lamar, was a white person, and that the marriage was not in accordance with Indian law, either Chickasaw or Choctaw, but under a license issued by the clerk of the United States Court, southern district, Indian Territory, and the marriage was solemnized by his deputy, at Ardmore, in the Chickasaw Nation, October 15, 1901. The Indian Office, for the reason that the marriage was not under Chickasaw law, February 3, 1905, recommended approval of the decision. The denial of the applicant's enrollment as a Choctaw was no doubt without error, for,

as the husband was never recognized by the tribal authorities as a Choctaw, but was always recognized by the Chickasaw as a member of that tribe, the correction of the error of the Commission, in enrolling him as a Choctaw before adjudication of the wife's application, would carry with it as of course the rejection of her application for enrollment as a Choctaw.

But what the Commission really had before it was the application of an intermarried white person to be enrolled as a member of the consort's tribe. Her claim for enrollment was by virtue of intermarriage with an Indian, enrolled or entitled to be enrolled, and consideration of her right to enrollment was dependent upon the final action taken upon his application. If it was finally found, as in this case, that the principal applicant was a Chickasaw, the dependent intermarriage application must necessarily be considered as made for enrollment as a citizen by intermarriage in the tribe to which the principal applicant belonged, and should have been so amended, or regarded as originally having been made, because the controlling facts appeared on the face of the application that her claim of right was dependent upon his, and decision of the tribe to which he belonged drew with it her application as made for enrollment in the same tribe. The whole record taken together showed upon

its face that the tribal names written in her application was but a misnomer, or false designation, to be corrected as of course if needing correction at all. The Commission seems so to have understood, as in its report upon the case of April 3, 1906, it is said: "the decision of January 21, 1906, adjudicated whatever rights, if any, she might have had, both as a citizen by intermarriage of the Choctaw and Chickasaw Nation." I, therefore, for all purposes of this opinion regard the application as originally made to have read as one for enrollment as a citizen by intermarriage of the Chickasaw Nation and to have been so denied.

No briefs of counsel appear in the record. The rights of intermarried white persons to citizenship in either the Choctaw or Chickasaw tribes, so far as dependent upon treaty, are defined by the treaty of those tribes jointly with the United States of April 28, 1866 (14 Stat., 769), articles 38 and 26 of which, so far as here material, are that:

38. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation . . . . . is to be deemed a member of said nation. . . . . .

26. The right here given to Choctaws and Chickasaws, respectively, shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations, or who may hereafter become such.

The United States court for the southern district of

Indian Territory considering the rights of intermarried whites, sitting in cases appealed from the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat., 321, 339), in the case of William N. Tucker v. Choctaw Nation (Report Comm'r Ind. Affairs, 1898, page 473), Springer, J., held that "white persons married to Choctaws in violation of (not in conformity with) the Choctaw statute are not entitled to be enrolled."

The same court, In re Indian Citizenship Cases, Townsend, J. (ib. 474), quoted the provision of section 2 of the Chickasaw act of October 19, 1876, amended September 24, 1887, that:

> Hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation.

And held that:

> Among all civilized nations it is conceded to be a right that each nation, and in the United States that each State, can exercise and determine by their laws the requirements to be observed in solemnizing marriages, but marriage among civilized nations does not confer citizenship; under the Choctaw and Chickasaw laws it does; besides, it is supposed to carry with it certain perperty rights. The general rule among civilized nations is that a marriage good where solemnized is good everywhere, but in some States, where marriage is prohibited between certain races of people, they have not been recognized, though they were lawful where solemnized. I think it is within the power of the Chickasaw and Choctaw nations to say by legislation

that before a white person shall become one of their citizens, with all the privileges of one, they shall be married according to the forms and requirements of their laws, and that such legislation is not in violation of the thirty-eighth article of the treaty of 1866, but when a white person has married a Choctaw or Chickasaw according to their laws, and resides in the Choctaw or Chickasaw Nation, he is in all respects "as though he was a native Choctaw or Chickasaw."

I am cited by the Indian Territory Division of the Secretary's office to the decision of the Choctaw Chickasaw Citizenship Court in the case of Lula E. Trahern as being inconsistent with the foregoing, and holding that a valid marriage of a white woman to a citizen of these tribes confers upon her the rights of citizenship, whether solemnized under the Indian law or not, if she resides in the nation. The court (Eleventh Report Com. to Five Civilized Tribes, page 131), quoting the above provision of Article 38 of the treaty, held that:

As has heretofore declared in cases decided in this court, to entitle a white person to be deemed a member of said nation or nations, the white person must have married a Choctaw or Chickasaw and must reside in the Choctaw or Chickasaw Nation after said marriage.

That is to say, a valid marriage to a Choctaw or Chickasaw must be followed by a residence in one of said nations, as the case may be.

A male Choctaw, under the laws and regulations of said nation, can contract a marriage which is legal outside said nation and under the laws of any other State and then, bringing his white wife to reside in said nation of which he is a member and she afterwards there resides as his wife, she is to be deemed a member of said nation.

Two things must concur. The valid marriage must take place by a male member of the tribe or nation to a white woman,

and she must live and reside with her husband in said nation in which he resides.

. . . . . .

A white woman can be validly married to a Cheetaw man in any jurisdiction outside the nation, and by thus residing in said nation in the marital state with her Cheetaw husband be deemed from such marriage and residence a member of that nation.

I can not see how a marriage, valid before her husband, a Cheetaw by blood, became identified and entitled to enrollment in the respective nation, and valid thereafter, and followed by her residence continuously after his recognition and identification, does not entitle the white wife to be deemed a member of the nation of which her husband is a member.

. . . . . .

Such a state of facts and conditions brings about what the treaty intended, to wit: A valid marriage (and insuring the legitimacy of the offspring, if any, of such marriage) and residence in the nation as a member thereof, which are the two essential things the said treaty seeks to effectuate.

What the court had under consideration was the case of a marriage outside the nation, valid where made, followed by removal to and residence in the nation. It does not follow that a marriage in the nation, though valid to fix the marital relation of the parties, not conformable to the tribal law, operates to confer citizenship of or an adoption into the tribe. In Lula R. Trahern the court did not go to that extent. But if it did so, the reasoning of Townsend, J., above quoted, appears to me the better founded and to rest upon sound principles. It is well established by a long course of decisions that the Indian

tribes are autonomous dependent states, entitled to govern themselves and regulate their own internal affairs, subject only to the control of Congress. United States v. Kagama (118 U. S., 375, 381); Talton v. Mayes (163 U. S., 376, 383); Raff v. Burney (168 U. S., 518, 522). The marriage in the present case was solemnized at Ardmore in the Chickasaw Nation, after enactment of the law of the Chickasaw Nation providing how citizenship by intermarriage might be acquired. The case is therefore not brought within the rule announced in case of Lula B. Trahern. I am therefore of opinion that the decision of the Commission rejecting the application should be affirmed.

Very Respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved: May 13, 1903.

(Signed) E. A. Hitchcock.

Secretary.

7-D-616

Muskogee, Indian Territory, June 6, 1905.

Emma Seifried,

Wayne, Indian Territory,

COPY.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 25, 1905, affirmed the decision of this Commission, rendered January 21, 1905, denying the application for your enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

4

4-3-216

Muskogee, Indian Territory, June 5, 1905.

J. F. Sharp,
Attorney at Law,
Purcell, Indian Territory.

Dear Sir:

There is herewith inclosed copy of Departmental letter of May 25, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs, of February 3, 1905, and the opinion of the Assistant Attorney-General, of May 15, 1905, affirming the decision of this Commission, rendered January 21, 1905, denying the application for the enrollment of Rose Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Incl. LM 6/5

41

9-3-616

Muskogee, Indian Territory, June 5, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations, COPY
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 25, 1905, affirmed the decision of this Commission, rendered January 21, 1905, denying the application for the enrollment of Rosa Seifried as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

DS 42491. 18/203. GR. LLR. LRS.

I.T.D.5574,11174-1905. DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 7 ,1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 25,1905, the Department in accordance with an approved opinion of the Assistant Attorney-General dated May 15,1905, affirmed the decision of the Commission to the Five Civilized Tribes dated January 21,1905, denying the application of Emma Seifried for her enrollment "as a citizen by intermarriage of either the Choctaw or Chickasaw nations."

August 7,1905, the appliant, by attorney, filed with the Department a motion for review of said departmental decision.

August 19,1905, said motion for review was referred to the Assistant Attorney-General for this Department for his opinion thereon.

In accordance with his approved opinion dated September 1, 1905, a copy of which is forwarded herewith, the Department hereby denies said motion for a review, of which denial you are requested to notify the proper parties accordingly. Charles VonWeise, Esq., of Ardmore, Ind.T. is the attorney of record for moving party herein.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

A

DEC. FOR. EXP.

I.T.D. 10020-1906.

Sugg.

SECRETARY OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY- GENERAL.

Washington, September 1,1906.

The Secretary of the Interior.

Sir:

I received by reference of August 19,1906, with request for my opinion thereon, the motion of counsel for Emma Seifried, a white woman, for review of departmental decision, not before me, but stated in the motion to have been made May 25,1906, denying her enrollment as a citizen of the Choctaw Nation by intermarriage.

The case was subject of my opinion of May 15, 1906, (I.T.D.1274-1905), wherein the facts are fully stated and to which reference is here made. The decision complained of was based on that opinion. There are two points made by the motion, viz:

(1) That as her husband was born of a mother of both Choctaw and Chickasaw blood, he had an election to be enrolled in either tribe, and the Commission to the Five Civilized Tribes were without authority to determine it for him.

(2) That article 38 of the treaty of 1866 (14 Stat., 769,779), gives rights of citizenship to white persons intermarried to Choctaw or Chickasaw citizens,"regardless of how said marriage was performed."

No doubt the Commission can recognize an election made, where one of mixed Indian blood has elected to affiliate with one of

two tribes from which he derives rights by descent. The statute merely provides that a person having double right shall be enrolled for distribution of tribal property in but one of them, and gives such person an election. The election in the present case seems to have been made by Mr. Seifried's mother, who had perhaps, and is stated in the motion to have had, both Choctaw and Chickasaw blood. In reporting the case the Commission state that after the applicants husband had been listed for enrollment as a Choctaw, November 18,1899, by the Commission,--

A thorough examination was made of all the tribal rolls of these nations with the result that it was found that Henry Seifried and his mother, Julia Seifried, had always been recognized and enrolled by the tribal authorities of the Chickasaw Nation as citizens of that tribe, and that they have never had any tribal recognition as citizens of the Choctaw Nation.....March 18,1903, he was enrolled.... as a citizen by blood of the Chickasaw Nation.

This was merely the recognition of what had been done in the generation preceding. But if this was erroneous, it was a matter of which he only could complain. His wife as an intermarried white person cannot complain of an enrollment with which the Indian husband under whom her right is derived is content.

This question of which tribe is, or was, the proper one for her husband's enrollment, cut no figure in my former opinion wherein I said:

The whole record taken together showed upon its face that one tribal name written in her application was but a mistake, misnomer or false designation to be corrected as of course, if needing correction at all. The Commission seems to have so understood.....I therefore for all purposes of this opinion regard the application as originally made to have read as one for enrollment as a citizen by intermarriage of the Chickasaw Nation and to have been so denied.

The decision of the Commission was that, "Emma Seifried is not entitled to enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations." It is thus clear that her right to enrollment was considered in the aspect of a white woman intermarried to an enrolled Indian of the Chickasaw Tribe, as well as in its particular form, for enrollment as a Choctaw by intermarriage.

On the second point, counsel in argument quote article 38 of the treaty, section 7 of the general provisions of the Chickasaw Constitution embodying it into their fundamental law, and section 4 of article 8 of the treaty of 1866 that inhibits, among other things, any tribal legislation inconsistent with the treaty stipulation, and argue that---

> no rules or regulations as to the manner in which such white persons should marry such Chickasaw citizens were promulgated at that time, and they certainly could not.....at any time after the ratification of said treaty be enacted by the Chickasaw tribe.

The conclusion of counsel does not necessarily follow from the premise. The treaty did not provide rules as to how intermarriages of non-citizens with citizens should be contracted or by what evidence they should be proved, and, on the other hand, it did not by express terms, nor by any necessary implication, deprive the Chickasaw Nation of fixing rules and providing how such marriages might be contracted. It merely provided what should be the effect of such a marriage lawfully contracted. Marriage is a matter of such public concern, and so affects property, good order, legitimacy, citizenship, morals, and the general welfare as to be recognized by

all organized societies as a contract subject to legislative regulation. The Chickasaw Nation, like any other autonomous state, has power to regulate marriage and to define how it may be contracted, subject, of course, to the control of Congress. That power is clearly not taken away by any fair construction of either the treaty or the constitutional provision cited.

This point of the case was fully considered in my former opinion herein, in the light of judicial decisions therein cited. Upon reconsideration of the matter I am still of opinion, for the reasons then expressed, that the applicant is not entitled to be enrolled, and recommend that the motion be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: September 1, 1905.

Thos. Ryan,

Acting Secretary.

7-D-816

Muskogee, Indian Territory, September 18, 1905.

Emma Seifried,

Wayne, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 7, 1905, the Secretary of the Interior denied a motion for review in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw or Chickasaw Nation filed with the Department on August 7, 1905, by your attorney, Charles von Weise, of Ardmore, Indian Territory.

Respectfully,

Acting Commissioner

7-D-816

Muskogee, Indian Territory, September 13, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I enclose herewith for your information, copy of letter from the Acting Secretary of the Interior under date of September 7, 1905, enclosing an opinion of the Assistant Attorney General for the Department of the Interior of September 1, 1905, denying a motion filed with the Department on August 7, 1905, for a review of Departmental decision in the matter of the application of Rena Seifried for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

OP 13-16

Acting Commissioner

7-D-816

Muskogee, Indian Territory, September 23, 1905.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

I enclose herewith for your information, copy of letter from the Acting Secretary of the Interior under date of September 7, 1905, enclosing an opinion of the Assistant Attorney General for the Department of the Interior of September 1, 1905, denying a motion filed with the Department on August 7, 1905, for a review of Departmental decision in the matter of the application of Emma Seifried for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

OF 13-6

Acting Commissioner

7-D-816

Muskogee, Indian Territory, September 13, 1905.

J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

I enclose herewith for your information, copy of letter from the Acting Secretary of the Interior under date of September 7, 1905, enclosing an opinion of the Assistant Attorney General for the Department of the Interior of September 1, 1905, denying a motion filed with the Department on August 7, 1905, for a review of Departmental decision in the matter of the application of Emma Seifried for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation.

Respectfully,

OP 12-9

Acting Commissioner

7-D-816

Muskogee, Indian Territory, February 2, 1905.

J. F. Sharp,

Attorney at Law.

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, 1905, stating that you have received notice of the decision of the Commission denying the application of Emma Seifried for enrollment as a citizen by intermarriage of the Choctaw or Chickasaw Nation that you will probably want to submit a brief in this case and request that you be furnished a copy of the decision together with the testimony in the case.

In accordance with your request there is enclosed herewith copy of the decision of the Commission in the matter of the application of Emma Seifried for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation together with a copy of the testimony of Emma Seifried of October 21, 1902, and receipt therefor which please sign and return tothis office.

Respectfully,

Chairman.

EB 2-2

T-D-616

Muskogee, Indian Territory, July 8, 1905.

Charles von Weise,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, 1905, stating that on June 5, 1905, Emma Seifried was notified that the Secretary of the Interior had affirmed the decision of the Commission to the Five Civilized Tribes of January 21, 1905, denying her application for enrollment as an intermarried citizen of the Chickasaw Nation; you state that Mrs. Seifried informes you she never received a copy of that decision and as she was desirous of having the matter reopened has employed you to attend to it for her and you request to be furnished a copy of the decision of the Commission to the Five Civilized Tribes of January 21, 1905 in her case.

In compliance with your request there is inclosed herewith copy of decision of January 21, 1905, denying the application of Emma Seifried for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation.

Respectfully,

MB 2-6

Commissioner.

CHOCTAW D 817

Ella Nelson

Transferred to CHOCTAW # 185

Choc. D. 818
David H. Poff

281.

Laura H Poff

DECISION RENDERED. JAN 1 [illegible]

REFUSED

COPY OF DECISION FORWARDED
APPLICANT

[illegible] FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JAN 1 [illegible]

RECORD FORWARDED DEPARTMENT.

Husband of Patsey Poff
on Choctaw Card #164

ACTION APPROVED BY
SECRETARY OF INTERIOR.
FEB - 7 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
FEB 1 [illegible] 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
FEB [illegible]

Memo.

Chec.

Department of the Interior,
Commission to the Five Civilized Tribes.
Pauls Valley, I. T., October 20, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of David H. Poff.

David H. Poff being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A David H. Poff.
Q How old are you? A About sixty, the 24th of January.
Q What is your post office address? A Foster, Indian Territory.
Q You are a white man? A Yes sir.
Q Who is your father? A Alexander Poff.
Q Is he dead? A Yes sir.
Q Who is your mother? A Lucinda Poff; she was a Epley before she married father.
Q Is your mother living? A No sir.
Q They were both white persons? A Yes sir.
Q Neither of them ever made any claim for citizenship by blood in any tribe of Indians? A No sir.
Q How long have you been residing in the Chickasaw Nation? A About 27 years I think; I dont know just exactly.
Q Lived here continuously ever since? A All but about seven months in Tennessee and Five months in the Cherokee Nation.
Q Did you ever claim any rights as a citizen by blood in any tribe of Indians? A No sir.
Q You are now making application to be enrolled as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Patsy Poff, was Patsy Hall.
Q When were you married to her? A On—— There it is right there; you can look at it (Presents a paper)
Q April 29, 1898,- were you ever married before you married her? A Yes sir.
Q To whom? A Martha M. Grandall.
Q A white woman? A Yes sir.
Q Was Patsy Poff ever married before she married you? A Yes sir.
Q To whom? A Mr. Hall.
Q You claim your rights as an intermarried citizen through your marriage to Patsy Poff? A Yes sir.
Q Were you ever married to her in accordance with the tribal laws of either the Choctaw or Chickasaw Nation? A No sir.
Q How were you married to her? A Under this license here.
Q Under a license issued by the Clerk of the United States Court for the Southern District of Indian Territory? A Yes sir.
Q Have you lived with her continuously as man and wife since your marriage to her? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.

W. H. Martin being duly sworn on both states that as stenographer to the Commission to the Five Civilized Tribes he re-

David H. Hoff——

corded in full the above proceedings at Pauls Valley, Indian Territory, on the 20th day of October, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Morton

Subscribed and sworn to before me this 23 day of October, 1902.

C. S. Hamm

Notary Public.

MARRIAGE LICENSE

NO. 196

[illegible] of [illegible] [illegible] with [illegible] Mr D.
[illegible] [illegible] [illegible] [illegible] A. B.

UNITED STATES OF AMERICA
THE INDIAN TERRITORY } SS.
SOUTHERN DISTRICT }

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of matrimony between Mr D. H. Poff of Purdy in the Indian Territory, aged 56 years and Mrs Patsy Hall of Purdy in the Indian Territory aged 58 years, according to law, and do you officially sign and return these license to the parties Therein Named.

Witness my hand and official Seal, this 27th day of April A. D. 1898.

C. M. Campbell
Clerk of the United States Court.

By J. T. Flemming D/C

(SEAL)

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY, } SS.
SOUTHERN DISTRICT. }

I, William Harp a Minister of the M.P.C.

DO HEREBY CERTIFY, that on the 28th day of April A. D. 1898 I did duly and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of matrimony between the parties therein named.

WITNESS my hand this 29th day of April A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A page 172.

Wm Harp
a Minister of the M.P.C.

NOTE- This license and certificate of marriage must be returned to the office of the Clerk of the United states Court in the Indian Territory, at Ardmore, within ninety days from the date thereof.

or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100)

Endorsed on back: No 168
CERTIFICATE OF RECORD OF MARRIAGE

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY,)SS.
SOUTHERN DISTRICT)

I. C. M. Campbell, Clerk of the United States Court, in the Territory and District aforesaid DO HEREBY CERTIFY that the License for and certificate of marriage of Mr D. H. Poff and Mrs Patsy Hall were filed in my office in said Territory and District the 4 day of May A. D. 1898 and duly recorded in Book C of Marriage Record, Page 384

Witness my hand and Seal of said Court, at Ardmore, this 6 day of MAY A. D. 1898

C. M. Campbell, Clerk.

FILED May 4 1898 2 P M
C. M. Campbell, Clerk.

Return to Ardmore when used.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED Oct 20 1902.

TAMS BIXBY
Acting Chairman.

(COPY)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David H. Reff as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-818.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, whi ch question is involved in the case to which this communication refers.

This request is filedunder authority granted by the Honorable Secretary ofthe Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Endorsed on back: Choctaw D-818.

In the matter of the enrollment of David H. Reff as an intemarried citizen of the Choctaw Nation.

PROTEST of the Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVECIVILIZED TRIBES.

FILED FEB 6 1904.
TAMS BIXBY, Chairman.

7-D-618.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of David H. Poff for enrollment as a citizen by intermarriage of the Choctaw Nation.

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It appears from the record herein that the applicant, David H. Poff, on October 20, 1902, appeared in person before the Commission at Paula Valley, Indian Territory, and sought to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by reason of his marriage to Patsy Poff, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 315 upon the lists prepared by this Commission under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior December 12, 1902.

It further appears that the applicant was married to the said Patsy Poff on April 28, 1898, under a United States license and that he was never married to her in accordance with the laws, customs and usages of either the Choctaw or Chickasaw Nation.

By Section thirty-four of the Act of Congress approved July 1, 1902, (32 Stats., 641), which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, the Commission is authorized to receive, during the ninety days first following the date of the final ratification of said Act, the applications only of--

> ". . .Such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations, in accordance with the tribal laws, customs and usages, on or before the date of the passage of this Act by Congress," etc.

It is therefore the opinion of this Commission that it has no power or authority to receive or consider any application for the enrollment of said David H. Poff, and that it should decline to receive the same, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
JAN 19 1906

Chester D 518

COPY.

Muskogee, Indian Territory, January 19, 1905.

David H. Poff,

Foster, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 19, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

CHAIRMAN.

Registered.

Incl. 7-D-518.

Choctaw D-818

COPY.

Muskogee, Indian Territory, January 19, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated January 19, 1906, declining to receive the application for enrollment of David H. Peff, as a citizen by intermarriage, of the Choctaw Nation.

The order, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tams Bixby

CHAIRMAN.

Incl. 7-D-818

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,
The Secretary of the Interior,

Sir:

There is herewith transmitted the record in the matter of the application for the enrollment of David M. Poff as a citizen by intermarriage of the Choctaw Nation, including the order of the Commission, dated January 19, 1905, declining to receive said application.

Respectfully,

[illegible] Bixby
CHAIRMAN.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-D-318.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON February 1, 1905.

Land.
5860-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by David H. Poff.

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was married to Patsy Poff, a recognized and enrolled citizen by blood of the Choctaw Nation, on April 28, 1898, under a United States license.

In view of the record and of Section 34 of the act of Congress of July 1, 1902 (32 Stat., 641), the approval of the Commission's decision adverse to the applicant is recommended.

Very Respectfully,

C.F.Larrabee
Acting Commissioner.

M.M.M.
W.

D E P A R T M E N T O F T H E I N T E R I O R

W A S H I N G T O N

D.C. 6784-1905. February 7, 1905.
I.T.D. 1206-1905.

TRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of David M. Poff for his enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of January 19, 1905, adverse to applicant.

February 1, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision is hereby affirmed.

Respectfully,

1 inclosure. THOS. RYAN,

Choctaw D 618

COPY.

Muskogee, Indian Territory, February 15, 1906.

David H. Poff,

Foster, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 7, 1906, affirmed the decision of this Commission dated January 19, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Tams Bixby
Chairman.

Choctaw D 818

COPY.

Muskogee, Indian Territory, February 18, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 7, 1905, affirmed the decision of this Commission dated January 19, 1905, declining to receive the application for the enrollment of David H. Poff as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Choctaw D 618

Muskogee, Indian Territory, February 10, 1904.

David N. Poff,

Foster, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relat ive to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choc. D. 819
Martha Jane Sanders

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment of

Martha Jane Sanders as a citizen by intermarriage

and

William E. Sanders as a citizen by blood of the Choctaw Nation

---------- 7-D-819

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of Martha Jane Sanders as Choctaw citizen. Joseph M. Sanders being sworn and examined by Com.McKennon testifie

Q What is your name? A Joseph M. Sanders.

Q What is your age? A Forty.

Q Are you the husband of Martha Jane Sanders? A Yes sir.

Q When were you married to her? A Married in 1885.

Q Where? A In the State of Missouri.

Q Under the Laws of the State of Missouri? A Yes sir.

Q When did you move to the Territory? A I claimed a residence in the Territory since I came into it, I moved my family to the Territory the first of last March was a year ago.

Q Did you move your entire effects with them? A Yes sir.

Q Have you been residing here ever since? A Yes sir.

Q What part of the Territory? A In the Choctaw Nation.

Q Been residing here continuously with your family ever since? A Yes sir.

Q You made application to the Dawes Commission did you? A Yessir

Q When? A In 1896 I believe.

Q Your wife's name included in that application? A Yes sir.

Q Has your wife been living here ever since ~~she came with you~~ you were here in March? A Yes sir.

Q She came with you? A Yes sir.

Q Been living here ever since? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes

M D Green

Commission to the Five Civilized Tribes,

Red Oak, Indian Territory.

In enrollment of Joseph M. Sanders and child William E. Sanders as Choctaws by blood; being sworn and examined by Com'r McKennon, Joseph M. Sanders testifies:

Joseph M. Sanders, forty years old .

Q You are the identical person admitted to citizenship in the Choctaw Nation at Ardmore December 20th, 1897, case number 96, as Joseph Monroe Sanders are you? A Yes sir.

Q Are you the father of William Ersell Sanders? A Yes sir.

Q Is he still living? A Yes sir.

Q What is the date of his birth? A Born in September 13th I believe.

Q What year? A 1896 I think.

Q How old is he now? A Three year and past, will be four year old past-

Q 13th day of September? A I think so, yes sir, 13th day of September, 1895.

Q Where have you been living with this family of yours?

A I have been living- till I moved to this country I was living in Missouri; I moved here in March.

Q In what year? A March, 1897; a year ago last March.

Q That would be 1898 then? A Well it was a year ago last March when I moved here; year ago the 20th of March.

Q 1898? A Yes sir.

Q Have you been living there ever since? A Yes sir.

Q You came from the State of Missouri; had you ever been living in the Territory before? A I never had had my family here before.

Q Never had resided here with you r family until you came down then? A No sir.

(Joseph M. Sanders et al #2)

Q You have been living here continuously since the 20th of March, 1898? A Yes sir, ever since.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Ateka, Ind. Ter. June 4, 1900.

Chec.-2543.

In the Matter of the Application of :
Joseph M. Sanders et al, for enrollment as citizens of the Choctaw Nation :

Joseph M. Sanders, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

Q You have been admitted as a citizen of the Choctaw Nation by the United States Court, have you? A Yes sir.
Q Case No. 96? A I think so.
Q On June 13, 1899, you presented for enrollment the name of Martha Jane Sanders, your wife, for enrollment? A Yes sir.
Q Did you present a copy of the judgment of the United States court which purported to admit her as a citizen of the Choctaw Nation?
A Yes sir.
Q Was the name of William E., your son, also in that judgment? A Yes.
Q Subsequent to that date, the United States court made an order striking out the names of Mary Jane your wife, and Wm. E., your son, from the judgment, didn't it? A Yes, that is my understanding; I have heard that and my attorney notified me to that effect.
Q You now wish to make new application for your wife and child? A
A Yes sir.
Q The name of your wife is Martha Jane? A Yes sir.
Q What is her age? A She is 30 years old.
Q What is her postoffice address? A Reff I. T.
Q Does she live at Reff, or near by? A Near by.
Q How long has she lived there? A Lived there about 12 months.
Q Where did she live prior to her residence at Reff? A At Garland, Choctaw Nation.
Q How long has she lived in the Indian Territory? A Little over 2 years.
Q Did she live here prior to that time? Where did she live? A In Missouri.
Q She is a white woman? A Yes sir.
Q And citizen of the United States? A Yes sir.
Q You desire to make application for her enrollment as a Choctaw by intermarriage? A Yes sir.
Q What is the name of your wife's father? A W. E. Barnes.
Q Is she living? A Yes sir.
Q What is the name of your wife's mother? A Katherine Barnes.
Q Is she living? A Yes sir.
Q Under what law were you married to Martha Jane? A Under the Missouri law
Q Were you living in Missouri at the time you were married? A Yes.
Q When were you married? A Married in '88.
Q When did you move from Missouri to the territory? A I moved to the Territory myself--I came to the Territory to the Choctaw Nation 4 years ago, and staid a year and then went back, and moved my wife here two years ago last March.
Q Have you got your marriage certificate and license here? A No, I haven't got them; I could get them I guess; I have never taken them out of the county clerk's office.
Q Your wife has never been recognized by the Choctaw tribal authorities as an intermarried citizen, has she? A No, only by the Commission; they registered; she has never been recognized; I cannot answer that very well because I don't understand, hardly.
Q So far as you know the Choctaw authorities have never recognized your wife as an intermarried citizen, have they? A So far as I know they

Q-Continued.

have not.

Q. Is there any additional statement you desire to make in regard to your wife's case? A. No, I remain [illegible]

Q. If there are any papers you wish to file, you may do so. It will be necessary in any event, to file the marriage license and certificate if you wish to have her case considered.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, as delivered by him, and that the foregoing is a true and complete transcript of all evidence of said witness in the above entitled action.

Frances R. Brown

Subscribed in my presence and sworn to before me this 5th day of June, A. D., 1900.

[illegible]

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 4, 1900.

In the matter of the Application of Joseph M. Sanders, for his son, Wm. M. Sanders, for Enrollment as a Citizen of the Choctaw Nation.	Choc.-2543.

Joseph M. Sanders, being first duly sworn by Acting Chairman Bixby, testified as follows:

Q What is your name? A Joseph M. Sanders.
Q What is your age? A My age is 41 years.
Q What is your posteffice address? A Reff.
Q You gave your posteffice address a year ago as Garland? A Yes, that was right a year ago.
Q You live near Reff? A Yes sir.
Q You now wish to make application for the enrollment of your son, William M. Sanders? A Yes sir.
Q When was William M. born? A He was born Sept. 13, '95.
Q Are you quite sure it was in '96? A He is 5 years old his next birthday, Sept. 13.
Q You are quite sure he was born Sept. 13, '95, are you? A Yes sir.
Q You appreciate you are under oath, do you? A Yes sir. I know he is five years old--he will be his next birthday, but I get a little wool-gathering in my accounts; he is four years old at present; he will be five years old his next birthday.
Q His next birthday, the 13th of Sept.? A Yes sir.
Q You are quite positive of that are you? A Yes sir.
Q In June, 1899, you presented to this Commission a paper which purported to be a judgment of the United States Court which admitted Wm. M. Sanders to citizenship in the Choctaw Nation, did you not? A Yes sir.
Q Subsequent to the date of that judgment the United States court reversed its judgment inthat particular, and the name of Wm. M. was stricken off the original judgment, was it not? A Yes, that is what I learned.
Q You now appear before this Commission for the purpose of making application for his enrollment, do you? A Yes sir.
Q Any other statement you wish to make in regard to this case you may make? A No, there is none. (other)
Q You will be permitted to file any papers which you may desire to?
A Is it necessary to file the Court case? The decision?
Q No, but you might file an affidavit regarding the birth of your child

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the evidence of the foregoing witness, and that the transcript herein, is a true and complete transcript of all testimony of said witness as delivered by him in the above entitled case.

Frances R Brown

Subscribed in my presence and sworn to before me this 5th day of June, A. D., 1900.

Acting Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of the

.....

Nation.

Approved, 190

Commissioner.

REFUSED.

REFUSED.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Choctaw Nation, of William Erell Sanders, born on the 13 day of September, 1895

Name of Father: J M Sanders, a citizen of the Choctaw Nation.

Name of Mother: Martha J Sanders, a citizen of the U S Nation.

Postoffice: Roff I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Martha Jane Sanders, on oath state that I am 32 years of age and a citizen, by intermarriage of the Choctaw Nation; that I am the lawful wife of J M Sanders, who is a citizen, by Blood, of the Choctaw Nation; that a male child was born to me on the 13 day of Sept 1896 that said child has been named William Erell, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Martha J. Sanders

Subscribed and sworn to before me this 18 day of June 1900

John A. Clark
NOTARY PUBLIC

REFUSED

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, D. T. Bridgeth, a Physician, on oath state that I attended on Mrs. M. J. Sanders, wife of J M Sanders, on the 13 day of Sept, 1895; that there was born to her on said date a male child; that said child is now living and is said to have been named William Erell Sanders

WITNESSES TO MARK

D. T. Bridgeth M.D.

[illegible] and sworn to before me this 14 day of [illegible] 190[illegible]

[illegible]
NOTARY PUBLIC

[illegible] July 17, 190[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Martha Jane Sanders, and of William E. Sanders as a citizen by blood of the Choctaw Nation.

The evidence in this case shows that Joseph M. Sanders, the husband of Martha Jane Sanders and the father of William E. Sanders, was admitted to citizenship in the Choctaw Nation by the United States Court at Ardmore, Indian Territory, December 20th, 1897, in court case No. 96, Nancy J. Cooper et al vs the Choctaw Nation.

That in the supplemental judgment in the above case, Martha Jane Sanders was admitted to citizenship in the Choctaw Nation March 12th, 1898, the said Martha Jane Sanders being admitted as an intermarried citizen of the Choctaw Nation, and William E. Sanders, the son of Joseph M. and Martha Jane Sanders was admitted to citizenship as a Choctaw by blood on the supplemental judgment in the case of Nancy J. Cooper et al, rendered December 20th, 1898.

On June 13th, 1899, at Spiro, Indian Territory, Joseph M. Sanders appeared before the Commission as an applicant for the enrollment of himself and wife and in accordance with the judgment above cited in the case of Nancy J. Cooper et al admitting them to citizenship in the Choctaw Nation, they were duly enrolled as citizens of that Nation by this Commission.

On June 22nd, 1899, at Red Oak, Indian Territory, Joseph M. Sanders appeared before the Commission and made application for the enrollment of his child, William E. Sanders as a citizen by blood of the Choctaw Nation in pursuance of the judgment of the United States Court for the Southern District of the Indian Territory above cited and William E. Sanders was on that date duly listed for enrollment by this Commission as a citizen of the Choctaw Nation.

On January 17th, 1900, the United States Court for the Southern District of the Indian Territory rendered an order correcting the order in the case of Nancy J. Cooper et al vs the Choctaw Nation and ordered among other names to be striken from the list of those admitted to citizenship in the Choctaw Nation by virtue of this judgment, the names of Martha Jane Sanders and William Ercell Sanders. The order of Court in correcting the judgment heretofore rendered in this case, reads as follows:

> "By accident or mistake have been improperly admitted to citizenship in the Choctaw Nation by the judgment heretofore rendered in this case, it is therefore by this Court, considered ordered and adjudged that the names of the said persons and each of them be striken out of the judgment heretofore rendered herein and that they take no rights to citizenship by virtue of the said Judgment."

That in accordance with the order of Court above cited this Commission conformed its records thereto and the names of Marthe Jane and William Ercell Sanders were striken from the roll of citizens of the Choctaw Nation, they having been listed for enrollment on Choctaw Roll Card, Field No. 2543 .

That on June 4th, 1980, Joseph M. Sanders appeared before this Commission at Atoka, Indian Territory, and there made application for the enrollment of his wife Martha Jane Sanders and of his child, William Ercell Sanders, claiming Martha Jane Sanders right to enrollment as an intermarried citizen of the Choctaw Nation by virtue of the fact that he had been recognized as a citizen by blood of the Choctaw Nation by a judgment of the United States Court in the case above cited.

That from the evidence of Mr. Sanders it appears that he was married in 1885 to his wife, Martha Jane Sanders and that at the time that he made the original application for citizenship in the Choctaw Nation to this Commission in 1896, that she was living with him and had been for eleven years prior to that time his recognized, lawful wife.

That she was not a party to the original application made to this Commission in 1896 and that his status as a Choctaw citizen was never established until the judgment of the United States Court

was rendered in the case of Nancy J. Cooper et al. on December 20th, 1897, and that by any marriage prior to that time, even if the same was in accordance with the laws of the Choctaw Nation, could not confer citizenship on his wife.

That in the application for enrollment of William Erwell Sanders made June 4th, 1900, it appears from the evidence that this child was born September 12th, 1895, and he then offered in evidence to this Commission a written application for the enrollment of this child, in which the affidavit of Martha Jane Sanders, the mother of William Erwell Sanders and of D. F. Hodgeth, the attending physician at the birth of the child, both state that William Erwell Sanders was born September 13th, 1895. This child was therefore living at the time that the original application was made to this Commission in 1896 in the case of Nancy J. Cooper et al.

After carefully considering the testimony in this case and the evidence offered in support of the claims of the applicants, Martha Jane and William Erwell Sanders, this Commission is of the opinion that their enrollment should be refused for the reason that Martha Jane Sanders' name was not in the original application made to this Commission in 1896 and that she was married to her husband, Joseph M. Sanders in 1885, eleven years before his status as a Choctaw citizen was established by the United States Court for the Southern District of the Indian Territory, and that William Erwell Sanders was born September 13th, 1895, prior to the date of the filing of the original application in this case and was not a party to such original application.

The enrollment of Martha Jane Sanders as an intermarried citizen of the Choctaw Nation and of William Erwell Sanders as a citizen by blood of the Choctaw Nation, is therefore hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

JUL 18 1906

Acting Chairman.

7-D-819.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the applications of Martha Jane Sanders for enrollment as a citizen by intermarriage of the Choctaw Nation, and of William Ercell Sanders for enrollment as a citizen by blood of the Choctaw Nation.

--oOo--

The applicant, Martha Jane Sanders, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Joseph M. Sanders, and the applicant, William Ercell Sanders, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father the said Joseph M. Sanders.

The right of the said Joseph M. Sanders (as Joseph Monroe Sanders) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 73 upon the Tishomingo docket of said Court, it is hereby ordered that the application of Martha Jane Sanders for enrollment as a citizen by intermarriage of the Choctaw Nation, and of William Ercell Sanders for enrollment as a citizen by blood of said Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

DEC 1 9 [illegible]

Choctaw D 819.

COPY.

Muskogee, Indian Territory, December 13, 1904.

Martha Jane Sanders,

Roff, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 12, 1904, dismissing the application for the enrollment of yourself, as a citizen by intermarriage, and of your minor child, William Erwell Sanders, as a citizen by blood, of the Choctaw Nation.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-819.

Choctaw D 819

COPY.

Muskogee, Indian Territory, December 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated December 12, 1904, dismissing the application for the enrollment of Martha Jane Sanders, as a citizen by intermarriage, and of William Erwell Sanders as a citizen by blood, of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-819.

Muskogee, Indian Territory, June 23, 1900.

Mr. Joseph M. Sanders,

Roff, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 18th, in which you state that you inclose certificate as required to the application for citizenship of your wife and child, and ask that you be advised if the certificate of the magistrate who married you is required.

In reply to your letter you are advised that by a recent order of the court rendering the judgment admitting you to citizenship in the Choctaw Nation, the name of William Erscell Sanders was stricken from the judgment on account of lack of jurisdiction, the name of William Erscell Sanders not being included in the original application made to this Commission in 1896. You now inclose an application for the enrollment of William Erscell Sanders, duly sworn to by the mother and the attending physician at the birth of the child. This application for enrollment cannot be accepted by the Commission, however for the reason that it was born prior to the date of the original application for enrollment to this Commission, the date of its birth being September 13th, 1896. The Commission has ruled to accept applications for enrollment of children of parents admitted to citizenship by judgment of the court, when such children are born subse-

quent to the date of the filing of the original application for citizenship with this Commission by their parents. This child, having been born prior to that date, and its name not included in the original application made to this Commission, cannot now be listed for enrollment.

No application for the enrollment of your wife was inclosed in your letter, as stated by you. The application for the enrollment of William Arnell Sanders has been refused, and the affidavits will be retained by the Commission as a record of the birth of the child.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 20, 1900.

Mr. Joseph M. Sanders,

Roff, Indian Territory,

Dear Sir:

Your letter of June 26th, addressed to the Honorable Secretary of the Interior, has been referred to this Commission for reply.

There is inclosed you herewith a copy of the decision of the Commission in regard to the application of your wife, Martha Jane Sanders, and your son, William Ercell Sanders, which states fully the reasons of the Commission for denying the application for enrollment of Martha Jane and William Ercell Sanders.

Yours truly,

Acting Chairman.

7-2543

DEC - 1 1914

CHOCTAW D 820

Amber Dixon

Transferred to CHOCTAW 4670

CHOCTAW D 821

Mariah Cross

Transferred to CHOCTAW # 211

CHOCTAW D 822

Nannie McGee

Transferred to CHOCTAW 5875

823

Mary Ward

Record transferred to
Choctaw card # 4425

CHOCTAW D 824

John L. Burnett

Transferred to CHOCTAW " 1 ?

825

James Franklin Standley

Record transferred to
Choctaw card # 5712

826

Johnson Jacob

Record transferred to
Choctaw card # 5107

827

Nancy Montubbee

Record transferred to
Choctaw card # 5707

Chas. D. [illegible]
Mary E. Robinson

Original —

MEMORANDUM.

Choctaw Case No. 2528 ~~D 363~~

Date

Name Mary E. Robinson.

Age 64.

Post-Office: Caddo, I.T.

~~Children~~:

Applies as intermarried citizen. Applicant was denied as citizen by blood in 1896. See Choctaw card #D 363.

Stenographer C. W. McMillan

7- 00328

MARRIAGE CERTIFICATE

THIS CERTIFIES

That Rev. Calvin Roberson of Blue County, I.T. and Mrs. Mary Elizia Trice of Boggy Depot, I. T. were United in the BONDS OF MARRIAGE, on ---------- the 6th day of January 1880 conformably to the Ordinance of God, and the Law the State of Choctaw Nation

by W. J. B. Lloyd

Witness ---------- Witness----------

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes,
F I L E D
Nov 19 1902
Tams Bixby
Acting Chairman

I do hereby certify that the above and foregoing is a full, true and correct copy of the marriage certificate between Calvin Roberson and Mrs. Mary Elizia Trice, which was filed with the records of the Commission.

In testimony whereof I have hereunto set my hand and seal as Notary Public, at Muskogee, Indian Territory, this April 3, 1903.

Wm O Beall

Notary public.

Choctaw
Original.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

---------oOo-------

In the matter of the application of Mary E. Robinson for enrollment as an intermarried citizen of the Choctaw Nation.

Mary E. Robinson being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Mary Eliza Robinson.
Q How old are you? A I was born in 1839--in my sixty-fourth year.
Q What is your post office address? A Caddo.
Q How long have you been a resident of the Choctaw Nation?
A Ever since '73.
Q Have you lived in the Choctaw Nation continuously since 1873?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir, not even out of Blue County.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir, I think I have a right to it.
Q What is the name of your Indian husband through whom you claim those rights? A Calvin Robinson.
Q Was he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Were his rights ever disputed? A Never.
Q When were you married to Calvin Robinson? A 1880, sixth of January.
Q Where was this marriage ceremony performed? A At Boggy Depot
Q Were both you and Calvin Robinson residents of the Choctaw Nation at that time? A Yes sir.
Q Who performed your marriage ceremony? A Mr. Lloyd.
Q A Minister of the gospel? A Yes sir.
Q Were you ever married before your marriage to Calvin Robinson?
A Yes sir, twice.
Q What was the name of your former husband? A My first husband's name was Andrew Thomas.
Q What was the name of your second husband? A James Jacob Tride.
Q Were both these men dead at the time of your marriage to Calvin Robinson? A Yes sir.
Q You had lived with them until their death? A Yes sir.
Q Was Calvin Robinson ever married before that marriage to you?
A Yes sir.
Q How many times? A Just once.
Q What was the name of his former wife? A Sophie Jones.

Mary Eliza Robinson--2

Q Was she dead at the time of your marriage to him? A Yes sir.
Q Is Calvin Robinson living at the present time? A No sir, he died the 18th of last September. We sent you a written statement and affidavit to that effect to the Commission.
Q Did you live with him from the time of your marriage continuously up to the time of his death as his wife? A Yes sir, I did.
Q There was no separation of any kind? A No sir.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, marriage certificate of Calvin Roberson and Mary Eliza Price.

- - - - - - - - - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of November, 1902.

H. C. Rister
Notary Public.

In the Matter of the Application of Mary E.Robinson

For enrollment as a member of the Choctaw Tribe of Indians by Intermarriage

Department of Interior, Division of Indian Affairs.

To the Commission to the Five Civilized Tribes.

Before me the Undersigned Authority, this day Personally Appeared Mary E.Robinson, Who is A Credible person and who is personally well known to me to be the person whom she represents herself to be herein. and who being by me first duly Sworn according to law Stated under oath the following facts to wit:-That My name is Mary E.Robinson, That My Post office is Caddo, Ind.Terry. That My age is [illegible] years. That I am and was the Lawful Wife of Calvin Robinson, Deceased who was a Duly enrolled member of the Choctaw Tribe of Indians by Blood. That I was Married to Calvin Robinson According to the Marriage laws and Customs of the Choctaw Tribes of Indians on the 6th. day of January 1880. That The Certificate of said Marriage was filed with your Honorable Commission on November 19th. A.D. 1902. At Atoka, Ind.Tery. That I have a Communication from your Commission dated December 3nd. 1903 In which it is stated that You have not passed on my Application as a member of Choctaw Tribes of Indians by intermarriage as yet but that I will be notified of said decision &c. That on November 19th. 1902 At Atoka, I.T. Before your Honorable Commission I did withdraw my application for enrollment as a member of the Said tribe by Blood and Filed my application for enrollment as a member of said tribe by intermarriage. That I did so apply on said November 19th. 1902. I now make this formal application To withdraw my Application for enrollment of said tribe by Blood and Make this Formal application for enrollmant of said tribe by intermarriage of said tribe and ask that this application be filed now as of the date of November 19th. A.D. 1902. And I ask your Commission to consider all the evidence in suppert of said Application and notify me if any Additional evidence is needed Herein. I resided in the Indian Territory at the time I Was married to Said Calvin Robinson and do so reside and have so resided every since said marriage. In a communication from your commission dated April 4th. 1903 you returned me the Original Marriage certificate of Calvin Robinson and myself ~~to me~~ and stated that Your Commission had taken a Certified copy of Same for filing in the record in my case. I have the Orginal now in my Possession which I can at any time feward to your commission ~~[illegible]~~ upon request.

Mary E. Robinson

Subscribed and Swern to before me this 18th day of May A.D. 1904.

C. H. [illegible]

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1904
Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 31 1904

Chairman.

Choctaw 2124
Choctaw 2364

Muskogee, Indian Territory, March 25, 1905.

Mrs. M. N. Robinson,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 14, asking relative the enrollment of yourself and your daughter, Mary A. Trice. You also request the return of your marriage certificate.

In reply to your letter you are advised that it appears from our records that you have been listed for enrollment as an intermarried citizen of the Choctaw Nation, but your final right to such enrollment has not yet been determined.

It further appears from our records that Mary A. Trice has been listed among the doubtful claimants to enrollment as a citizen by blood of the Choctaw Nation, and no decision nor opinion has yet been rendered relative to her right to enrollment in the Choctaw Nation. As soon as decisions are rendered in these cases you and Mary A. Trice will be notified of the action of the Commission.

In compliance with your request your marriage certificate is returned herewith a certified copy thereof having been made for filing with the record in your case.

Respectfully,

Chairman.

Choctaw D 828

Muskogee, Indian Territory, April 4, 1903.

Mrs. M. E. Robinson,

Caddo, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of March 28, returning marriage certificate of Mary E. Robinson and Alexander Robinson, and stating that this was evidently forwarded by mistake, as it is not your marriage certificate and describing yours and requesting that the same be returned to you.

In compliance with your request there is inclosed herewith marriage certificate between Calvin Roberson and Mrs. Mary Eliza Trice, a certified copy thereof having been made at this office for filing with the record in your case.

Respectfully,

Commissioner in Charge.

AB 1-4

7-D828

Muskogee, Indian Territory, December 3, 1903.

Mary E. Robinson,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 26, in which you state that on November 19, 1902, you withdrew your application for enrollment as a citizen by blood of the Choctaw Nation and made application for enrollment as an intermarried citizen of said Nation and filed in support thereof the marriage certificate between yourself and Calvin Roberson.

You enclosed with your letter of November 26, letter of the Commission of April 4, 1903, returning you said marriage certificate in compliance with your request, and you ask if it will be necessary for you to again forward the said marriage certificate.

In reply to your letter you are informed that a certified copy thereof having been made and filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, it will not be necessary at this time for you to forward the original certificate.

E. E. E. 2

The Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of such action as may be taken by the Commission.

The letter of the Commission of April 4, 1905, is returned you herewith.

Respectfully,

Chairman.

Enc. F. E.--116

[illegible]

Muskogee, Indian Territory, June 1, 1906.

Mary E. Robinson,

Sudie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit, stating your name, age and facts relative to your marriage to Calvin Robinson, a citizen by blood of the Choctaw Nation, and request that all evidence heretofore filed in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation be applied to and made a part of your application for enrollment as an intermarried citizen of the Choctaw Nation, and the same has been duly filed with our records in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-B-[illegible]

Muskogee, Indian Territory, March 28, 1906.

Mary E. Robinson,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 19, 1906, asking when your citizenship case will be decided.

In reply to your letter you are informed that the Commission is taking up for consideration and determination as rapidly as practicable applications for enrollment in the Choctaw and Chickasaw Nations and as soon as a decision is reached in your case you will be notified of the action taken therein.

Respectfully,

Chairman.

Department of the Interior.

Penalty for private use, $300.

MUSKOGEE, IND. T.
MAR 25
5 30 P.M.
1905

CADDO
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1905
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RETURNED
TO
WRITER

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RETURNED
TO
WRITER

Mary E. Robinson,

Caddo, Indian Territory.

CADDO, IND. T.
MAR 10 1
JAN 1
190
RE

D. 825

Liddy Puckett

Record transferred to
Choctaw card # 3884

CHOCTAW D 830

Artie M. Turner.

Transferred to CHOCTAW 5365

CHOCTAW D 831

Lillie Hutchinson

Record transferred to

CHOCTAW: #3430.

D 22

Edna Bird

Record transferred to
Choctaw card # 2,375

Jennie Perlew

DECISION RENDERED JUN 21 1906

REFUSED

JUN 21 1906

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 21 1906

COPY OF DECISION FORWARDED APPLICANT JUN 21 1906

RECORD FORWARDED DEPARTMENT. JUN 21 1906

ACTION APPROVED BY SECRETARY OF INTERIOR. Feb. 25/07

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. Mch. 2/07

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT: Mch 2/07

IN RE

Application for Enrollment of

INFANT CHILD

Jimmie Birlew

as a citizen of

Choctaw Nation.

Approved DEC 2 1902 190

Tams Bixby
Commissoner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed DEC. 2, 1902.
Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,

of Jimmie Birlew (Give exact name of child), born on the 15th day of December, 1899

Name of Father: Stephen Birlew a citizen of the Choctaw Nation.

Name of Mother: Rebecca Birlew a citizen of the Choctaw Nation.

Post-office Garvin

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Central District.

I, Rebecca Birlew, on oath state that I am 25 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Stephen Birlew, who is a citizen, by Marriage, of the Choctaw Nation; that a male (Male or Female) child was born to me on 15th day of December 1899; that said child has been named Jimmie Birlew, and is now living.

WITNESSES TO MARK: Rebecca Birlew her mark

(Must be Two Witnesses.) Wm. C. Brum
B. M. Wilson

Subscribed and sworn to before me this 28th day of November 1902

T. J. Barnes
NOTARY PUBLIC.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Central District.

I, Mandy Holder, a midwife, on oath state that I attended on Mrs. Rebecca Birlew, wife of Stephen Birlew on the 15th day of December, 1899 that there was born to her on said date a male (Male or Female) child; that said child is now living and is said to have been named Jimmie Birlew.

WITNESSES TO MARK: her Mandy x Holder mark

(Must be Two Witnesses.) Wm. C. Brum
B. M. Wilson

Subscribed and sworn to before me this 28th day of November 1902

T. J. Barnes
NOTARY PUBLIC.

(SEAL)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation, Choctaw Field No. D-833.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw D-833.
In the matter of the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

PROTEST of Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

No.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

James Barlow

as a citizen of

Choctaw Nation.

Approved ..... 190...

.....

Commissioner.

7-1236.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

MAY 24 1906

COMMISSIONER.

7-D-833 MAY 21 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation, of James Birlew [Here insert name of child], born on the 10 day of Dec 1898.

Name of Father: Stephen Birlew a citizen of the Choctaw Nation.

Name of Mother: Rebecca Birlew a citizen of the Choctaw Nation.

Tribal enrollment of father: ..... Tribal enrollment of mother: .....

Postoffice Garvin I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Rebecca Birlew, on oath state that I am 26 years of age and a citizen by intermarriage of the Choctaw Nation; that I am the lawful wife of Stephen Birlew, who is a citizen, by intermarriage, of the Choctaw Nation; that a male [Male or Female] child was born to me on 10 day of Dec 1898; that said child has been named James Birlew, and was living March 4, 1906.

Rebecca for her mark Birlew

WITNESSES TO MARK:

[Must be Two Witnesses] H. W. Martin / W. M. Martin

Subscribed and sworn to before me this 21st day of May 1906.

W. M. Martin
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Central District.

I, Amanda Holden, a midwife, on oath state that I attended on Rebecca Birlew, wife of Stephen Birlew on the 10 day of Dec, 1898; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named James Birlew.

Amanda for her mark Holden

WITNESSES TO MARK:

[Must be Two Witnesses] H. W. Martin / W. M. Martin

Subscribed and sworn to before me this 21st day of May 1906.

W. M. Martin
Notary Public.

T-D-833.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

DECISION.

It appears from the record herein that on December 2, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

It appears from the record herein and from the records of the Commission to the Five Civilized Tribes that the applicant was born on December 15, 1899, and is the son of Stephen Birlew, a white man, and Rebecca Birlew, a white woman, whose names appear as numbers 1093 and 1094, respectively, upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 16, 1904.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the enrollment case of Mary Elizabeth Martin, the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 21 1906

7-D-833

Muskogee, Indian Territory, June 21, 1906.

COPY

Rebecca Birlew,

Garvin, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, i s this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-D-833

7-D-833

Muskogee, Indian Territory, June 21, 1906 COPY

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Encl. 7-D-833

Muskogee, Indian Territory, June 21, 1906.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Jimmie Birlew, as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 21, 1906, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Encl 9-D-333

Through the

Commissioner of Indian Affairs.

7-20-833

G. R.

W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D. C. 11691-1906.
I. T. D. 24534-1906.

February 26, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of December 6, 1906 (Land 54363), copy whereof is enclosed for your information, and in conformity with the opinion of the Attorney-General of the United States of February 19, 1907, in the case of Cyrus H. Kingsbury, et al., your decision of June 21, 1906, denying the application for the enrollment of Jimmie Birlew, as a citizen of the Choctaw Nation, is hereby affirmed.

You will advise applicant of this action.

The record has this day been returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Jesse E. Wilson
Assistant Secretary.

1 enclosure, and
2 enclosures to Ind. Of.,
with copy hereof.

A. T. M.
2-26-07.

Refer in reply to the
following:
Land
[illegible]-1906
I.C. 11688-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. December 6, 1906.

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for Departmental consideration report of Commissioner Bixby, dated June 21, 1906, together with the record, in the matter of the application of Jimmie Birlew for enrollment as a citizen of the Choctaw Nation.

The Commissioner reports that on December 2, 1902, application was made to the Commission for the enrollment of Jimmie Birlew, as above.

The Commissioner finds that the record herein and the records in his office show that the applicant was born on December 15, 1899, and is a son of Stephen Birlew, a white man, and Rebecca Birlew, a white woman, whose names appear as Nos. 1033 and 1034 respectively on a list prepared by the Commission under the provisions of the Act of July 1, 1902, (32 Stat.L.,641) of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department November 16, 1904.

On this state of the record, it is recommended that the application herein be denied, in accordance with the provisions

of the Act of June 21, 1906, (34 Stat., L., 325) and the Departmental ruling in the case of William Jesse Bacon. (I.T.D. 8008-1906, 2548-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-SE

Muskogee, Indian Territory, March 2, 1907.

Rebecca Birlew,

Garvin, Indian Territory.

Dear Madam:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-833

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application for the enrollment of Jimmie Birlew as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw D 335

Muskogee, Indian Territory, February 11, 1904.

Stephen Birlew,

Gatvin, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 25, 1904, no further action will be taken relative to the enrollment of your after child, Jiwale Birlew, as a citizen of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

CHOCTAW D 834

Belle H. Arrington

Transferred to CHOCTAW 3929

d 835

Orlener James

Record transferred to
Choctaw card #2

CHOCTAW: 836

Maggie Beams.

Record transferred to Choctaw card #3422

CHOCTAW D. 837

Martha Allen

Record transferred to
Choctaw card # 4942

Chaos
Henrietta Hanson

D 658

Henrietta Horton

DECISION RENDERED

REFUSED

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

See Choctaw #4942.

ACTION APPROVED BY
SECRETARY OF INTERIOR. FEB 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS. APR 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED [illegible] APR 16 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. APR [illegible] 1907

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Ind. Ter., November 21,1902.

Original
Choctaw.

In the matter of the application of Henrietta Horton for enrollment as an intermarried citizen of the Choctaw Nation.

Henrietta Horton, being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Henrietta Horton.
Q How old are you? A Thirty three.
Q What is your post office address? A Albany, Indian Territory.
Q What nation is Albany, in? A Choctaw.
Q How long have you been a resident of the Choctaw Nation? A Been here nearly all my life.
Q Do you claim intermarried rights in the Choctaw Nation? A I married a citizen.
Q What is the name of your Choctaw husband through whom you claim your rights? A George F. McGahey.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q His rights have never been questioned? A No sir.
Q When were you married to George F. McGahey? A In 1893.
Q Where was this marriage ceremony performed? A Sherman, Texas.
Q What was your residence at that time? A Chickasaw Nation.
Q How long had you been living in the Chickasaw Nation? A I don't know how long I had been living there---I had been living in the two nations about eighteen years.
Q At the time of this marriage you were a resident of the Chickasaw Nation? A Yes sir.
Q What was your husband's residence at that time? A Choctaw Nation.
Q Were you married under the laws of the state of Texas? A Yes sir
Q Who performed the marriage ceremony? A I don't know the man's name.
Q Have you evidence of that marriage with you? A Yes sir.

There is offered in evidence, received, marked Exhibit A and made part of the record in this case marriage license and certificate of G. F. McGahey and Henrietta Johnson.

Q Were you ever married prior to your marriage to George F. McGahey? A Yes sir.
Q How many times? A Once.
Q What was the name of your former husband? A James Johnson.
Q Was he an Indian? A No sir.
Q He was a white man? A Yes sir.
Q When were you married to him? A I don't know what time it was. We had been married about six years; we was married at Paris, Arkansas.
Q How long did you live with him? A About six years.
Q At the end of that did he die? A No sir, he was murdered.
Q You were a widow at the time of your marriage to McGahey? A Yes sir.
Q Was George F. McGahey ever married prior to his marriage to you? A Yes sir.
Q How many times? A Once.
Q What was the name of his former wife? A Sallie Johnson.

Q Was she a white woman? A Yes sir.
Q Was she dead at the time of your marriage to him? A No sir.
Q They were separated? A Yes sir.
Q Had they been divorced? A Yes sir.
Q Where was the divorce obtained? A They was divorced right here.
Q Have you evidence of that divorce with you? A No sir.
Q How long did you live with George F. McGahey after you married him? A Until 1897.
Q At that time did you separate? A Yes sir.
Q What was the cause of this separation? A He was in some trouble and got up and left.
Q You left him? A No sir, he left me.
Q Did you ever hear from him after that ? I heard from him somewhere.
Q Did he ever come back and try to get you to live with him after that? A No sir.
Q Did you give him any cause for leaving you? A No sir.
Q Did you ever obtain a divorce from him? A Yes sir.
Q Where did you obtain this divorce? A I get a diverce right here at this house.
Q At Atoka? A Yes sir.
Q From the United States authorities? A Yes sir.
Q What was the cause alleged in your petition for this divorce?
A That he had gone off and didn't come back and I had to have somebody help me to support my children.
Q Have you remarried since you were divorced from him? A Yes sir, married Tom Horton.
Q Is he a white man? A Yes sir.
Q Makes no claim to enrollment as an Indian? A No sir.
Q What was the name of your father? A Henry Letner.
Q Is he living? A No sir.
Q Was he a white man? A Yes sir.
Q What was the name of your mother? A Sarah Jane Marshall.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q Have you any children? A Two.
Q By your Indian husband? A Yes sir.
Q They are already enrolled are they not? A Yes sir.

The husband of this woman, George F. McGahey, appeared upon the records of the Commission on Choctaw roll card, field No.4942.

----o----

Harry C Ristean being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristean

Subscribed and sworn to before me this 26 day of November, 1902.

T. J. Barnes
Notary Public.

STATE OF TEXAS

MARRIAGE LICENSE. COUNTY OF GRAYSON.

To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister, Jewish Rabbi, or Justice of the Peace of Grayson County, Greeting:

You are hereby Authorized to Celebrate the RITES OF MATRIMONY Between G. F. McGahey and Henrietta Johnson, and make due return to the Clerk of said Court within sixty days thereafter, certifying your action under this License.

WITNESS my Official Signature and Seal this 8" day of June 1893.

(L.S.) (Signed) T. W. Hudson, Clerk.

I, Harry H. Hamilton certify that on the 8" day of June, 1893, I united in Marriage G. F. McGahey and Henrietta Johnson, the parties above named.

WITNESS my hand this 9" day of June, 1893.

(Signed) Harry H. Hamilton, M. G.

The State of Texas ::
::
County of Grayson ::

I, P. F. Ellis, Clerk of the County Court of Grayson County, Texas do hereby certify that the instrument of writing which appears on the reverse side hereof, is a true and correct copy of the Marriage License and Return thereon, that was issued to G. F. McGahey and Henrietta Johnson, as the same appears of record in my office, in Vol. "L" page 124, of the Records of Marriages of Grayson County, Texas. Witness my hand and seal of office on this the 9" day of Nov. 1902.

(Signed) P. F. Ellis,
[SEAL] Clerk of the County Court of
By J. T. Hendrix, Deputy. Grayson County, Texas.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Nov. 21, 1902.
Tams Bixby, Acting Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-838.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw D-838.

In the matter of the enrollment of Henrietta Horton as an intermarried citizen of the Choctaw Nation.

PROTEST of Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

7-D-838

Muskogee, Indian Territory, August 22, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 17th inst., requesting to be advised what further evidence will be required in the matter of the application of Henrietta Horton for enrollment as an inter-marrried citizen of the Choctaw Nation. You also request to be furnished with a copy of her testimony.

You are informed that before her application for enrollment can be given further consideration it will be necessary that the Commission be furnished with either the original or a certified copy of the decree of divorce issued to her former husband, George F. McGahey, from his former wife, Sallie Johnson.

A copy of the testimony given by Henrietta Horton on her examination is enclosed herewith.

Respectfully,

Chairman.

Enc.A.R.T.17.

7-D-838.

Muskogee, Indian Territory, October 29, 1904.

Henrietta Horton,

Albany, Indian Territory.

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from your testimony takenat Atoka, Indian Territory, on Nomevber 21, 1902, that your former husband, George F. McGahey, had been married prior to his marriage to you to one Sallie Johnson, who it appears was living at the time of your marriage to him.

You are advised that before any further action can be taken in the matter of your application, it will be necessary for you to furnish the Commission with either the original or a certified copy of the decree of divorce secured by said George F. McGahey from his former wife.

This matter must receive your immediate attention.

Respectfully,

Chairman.

7-D-838.

Muskogee, Indian Territory, January 30, 1905.

Henrietta Horton,

Albany, Indian Territory.

Dear Madam:-

On October 25, 1904, you were advised that before any further action could be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you must furnish the Commission with either the original or a certified copy of the decree of divorce secured by your former husband, George F. McGahey, from his former wife, Sallie Johnson.

The Commission has not yet been furnished with the evidence requested. You are advised that unless said evidence is furnished without delay your application will be decided by the Commission upon the record as it now stands, as the Commission cannot hold these cases over indefinitely.

Respectfully,

Chairman.

7-D-838
7-D-940

Muskogee, Indian Territory, July 12, 1905.

P. T. Hamilton,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, 1905, asking that the applications of Henrietta Horton and Alice Burnitt be held up until you can furnish additional evidence.

In reply to your letter you are advised that if you desire to send in additional evidence in support of the application above mentioned you should do so within thirty days from this date in order that early disposition may be made of these applications.

Respectfully,

Commissioner.

7-D-838.

Muskogee, Indian Territory, November 7, 1905.

Henrietta Horton,

Jackson, Indian Territory.

Dear Madam:

On October 25, 1901, you were advised that before any further action could be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you must furnish this office with either the original or a certified copy of the decree of divorce secured by your former husband, George F. McGahey, from his former wife, Sallie Johnson.

As yet this evidence has not been furnished and until the same is received, no further action can be taken in your case.

Respectfully,

Commissioner.

7-D-838.

Muskogee, Indian Territory, November 9, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Henrietta Horton, as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to furnish this office with either the original or a certified copy of the decree of divorce issued to her former husband, George F. McGahey, from his former wife, Sallie Johnson.

Respectfully,

Commissioner.

7-D-838.

Muskogee, Indian Territory, November 9, 1905.

J. G. Ralls,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Henrietta Horton, as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to furnish this office with either the original or a certified copy of the decree of divorce issued to her former husband, George F. McGahey, from his former wife, Sallie Johnson.

Respectfully,

Commissioner.

7-D-838.

Muskogee, Indian Territory, February 14, 1906.

Henrietta Horton,

Jackson, Indian Territory.

Dear Madam:

You have heretofore been frequently notified that before any further action could be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it would be necessary for you to furnish this office with either the original or a certified copy of the decree of divorce secured by your former husband, George F. McGahey, from his former wife, Sallie Johnson.

This office has not yet been furnished with the evidence requested, and you are advised that unless the same is furnished within a reasonable time, it will be presumed that you desire to have your application decided upon the record as it now stands.

Respectfully,

Acting Commissioner.

7-D-838.

Muskogee, Indian Territory, February 15, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

On November 9, 1905, you were advised that before any further action could be taken in the matter of the application for the enrollment of Henrietta Horton of Jackson, Indian Territory, as a citizen by intermarriage of the Choctaw Nation, it would be necessary that this office be furnished with either the original or a certified copy of the decree of divorce secured by her former husband, George F. McGahey, from his former wife, Sallie Johnson.

As yet this evidence has not been received, and unless the same is furnished within a reasonable time, it will be presumed that the applicant desires that her application be decided upon the record as it now stands.

This matter should be given your immediate attention.

Respectfully,

Acting Commissioner.

7-D-838.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on November 21, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage on June 8, 1893, to George F. McGahey, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 13495 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 19, 1903.

The record herein, however, shows that George F. McGahey, through whom the applicant claims her intermarried rights, was formerly married to Sallie Johnson, a non-citizen white woman, who at the time of the marriage of the applicant to George F. McGahey, was still living, and although ample opportunity has been afforded the applicant to show by satisfactory evidence that said Sallie Johnson and George F. McGahey were divorced, she has failed to do so.

I am, therefore, of the opinion that the application made for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

SEP 25 1906.

7-D-838. COPY

Muskogee, Indian Territory, September 25, 1906.

Henrietta Horton,

Jackson, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Inal. 7-D-838.

COPY

7-D-838.

Muskogee, Indian Territory, September 25, 1906.

P. T. Hamilton,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Encl.--7-D-838.

7-D-838

COPY

Muskogee, Indian Territory, September 25, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-838

COPY

7-D-838.

Muskogee, Indian Territory , September 25,1906.

Burton Richards,

Attorney at Law,

Bennington, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl.--7-D-838.

7-D-838.

Muskogee, Indian Territory, September 26,1906.

J. G. Walls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Inclosed you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, in this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl.-7D-838.

7-D-836.

Muskogee, Indian Territory, September 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. 7-D-836.

Muskogee, Indian Territory, September 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl.--7-D-838.

KLM

O.K.

DEPARTMENT OF THE INTERIOR

WASHINGTON

D.C.10317-1907.
I.T.D. 3488-1907.

February 18, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 25, 1906, you transmitted the record in the matter of the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation, together with your decision of the same date, denying said application.

Reporting February 9, 1907 (Land 84999-1906), the Indian Office concurs in your decision. A copy of its letter is enclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

A.F.Mc.
2-19-07.

Refer in reply to the following:

--Copy--

LAND
84999-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated September 25, 1906, relative to the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, of the same date, denying the application.

It appears from the record herein that on November 21, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

The applicant claims the right to enrollment by reason of her marriage on June 8, 1893, to George F. McGahey, a recognized and enrolled citizen by blood of the Choctaw Nation.

The evidence shows, however, that George F. McGahey, through whom the applicant claims her intermarried rights, was formerly married to Sallie Johnson, a non-citizen white woman, who, at the time of the marriage of the applicant to George F. McGahey, was still living, and although ample opportunity has been afforded the applicant to show by satisfactory evidence that Sallie Johnson and George F. McGahey were divorced, she has failed to do so.

-2-

It is therefore recommended that the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation be denied, under the provisions of the Act of June 28, 1896 (30 Stat. L., 496).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EM

7-D-838

Muskogee, Indian territory, April 16, 1907.

Henrietta Horton,

Jackson, Indian Territory.

Dear Madam:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-B-638

Muskogee, Indian Territory, April 18, 1907.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of September 28, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-838

Muskogee, Indian Territory, April 16, 1907.

P. T. Hamilton,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of September 26, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-B-838

Muskogee, Indian Territory, April 16, 1907.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-828

Muskogee, Indian Territory, April 16, 1907.

Burton Richards,

Attorney at Law,

Bennington, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-838

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of September 25, 1906, denying the application for the enrollment of Henrietta Horton as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw D 638

Muskogee, Indian Territory February 10, 1904.

Henrietta Horton,

Albany, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 838

Muskogee, Indian Territory, March 19, 1904.

Henrietta Horton,

Jackson, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 12, asking if intermarried citizens are recognized and allowed to file the same as citizens by blood, and also when you will be permitted to make selection of allotment.

In reply to your letter you are advised that intermarried citizens of the Choctaw and Chickasaw Nations whose enrollment has been approved by the Secretary of the Interior are permitted to make selections of allotment.

You are further advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, and on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that final decision in your case be postponed until the final decision of the Choctaw-Chickasaw Citizenship Court in the case of B. F. Thompson versus the Choctaw and Chickasaw Nations, Number 38 on the South McAlester Docket, in which said court will decide the question

N N 2

of the validity of that portion of the intermarriage laws of the Choctaw nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they state, is involved in your case.

Under the instructions of the Department of November 18, 1903, the commission is estopped from further action relative to your enrollment, until further directed by the secretary of the Interior. As soon as a decision is reached in your case you will be notified of the action taken therein.

Pending your enrollment by the commission and the approval thereof by the Secretary of the Interior, no selection of allotment could be made in your behalf.

Respectfully,

Commissioner in charge.

Atoka, Indian Territory, August 27th 1902.

Received, of the Commission to the Five Civilized Tribes, one copy of the testimony of Henrietta Horton, given on her examination before said Commission in the matter of her application for enrollment as an intermarried citizen of the Choctaw Nation.

J. L. Rand

Attorney for Henrietta Horton.

7-D838

7-D838

7-D838.

Muskogee, Indian Territory, January 31, 1905.

Henrietta Horton,

Albany, Indian Territory.

Dear Madam:

On October 25, 1904 you were advised that, before any further action could be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it would be necessary for you to furnish the Commission with either the original or a certified copy of the decree of divorce secured by your former husband, George F. McCahey, from his former wife, Sallie Johnson.

The Commission has not yet been furnished with the evidence requested. You are advised that said evidence must be furnished without delay.

Respectfully,

Chairman.

7-D-838

Muskogee, Indian Territory, June 4, 1906.

Burton Richards,

Attorney at Law,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, 1906, in which you state that from your information it would be impossible to obtain a certified copy of the decree of divorce of Henrietta Horton from her husband George F. McCahey as the records have been destroyed by fire; you therefore ask if secondary evidence will be admissible.

In reply to your letter you are advised that if you will furnish certificate of the clerk of the Court to the destruction of the records and affidavits of persons who know of the obtaining of the divorce, the same will receive consideration in connection with this case.

Respectfully,

Commissioner.

7-D-838

Muskogee, Indian Territory, October 10, 1906.

Burton L. Richards,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 28, in which you state that you have just about got the necessary proof in the matter of the application of Henrietta Horton for enrollment as an intermarried citizen of the Choctaw Nation and will present it within a short time.

In reply you are advised that on September 25, 1906, a decision was rendered refusing the application of Henrietta Horton for enrollment as an intermarried citizen of the Choctaw Nation, and on the same date the record in this cause was forwarded the Secretary of the Interior.

This matter has now gone beyond the jurisdiction of this office and it is impossible to comply with your request for an extension of time within which to introduce testimony.

Respectfully,

MR

Commissioner.

[redacted] Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

20964

1391

RETURNED TO WRITER UNCLAIMED

[redacted]

REGISTERED LETTER NOV 23 1906 MUSKOGEE, IND. T.

PENALTY FOR PRIVATE USE $300

J. T. Hamilton,

[redacted] Indian Territory.

4580

RETURNED TO WRITER

MUSKOGEE, IND. T. SEP 27 1906 REGISTERED.

1 Ad 10/6/06

2 Ad 10/16/06

MUSKOGEE, IND. T.
NOV
3
1906
REC. DIV.

SEP
28
1906
REGISTERED

Choc. D. 839
Mattie Burns Patton

CHOCTAW 2 8339

Mattie Burns Patton

DECISION RENDERED JUL 1 1906

Declines to receive or consider

JUL 1 1906

OFFICE OF DIRECTOR
ATTORNEYS FOR
CHOCTAW NATION

COPY OF DECISION
RELIGNED

COPY OF DECISION FORWARDED
ATTORNEYS FOR APPLICANT JUL 1

RECORD FORWARDED
JUL 1

ACTION APPROVED BY
SECRETARY OF INTERIOR,
Jan 7/07

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JAN 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. JAN 16 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT, JAN 16 1907

Department of the Interior
Commission to the Five Civilized Tribes
Ada, I.T. November 11, 1902.

Original.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Mattie Burns Patton.

Mattie Burns Patton being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Mattie Burns Patton.
Q What is your age? A Fifty-four.
Q What is your post office address? A Stonewall.
Q How long have you lived in the Chickasaw Nation? A Since April '73 --right where I am living now.
Q Lived there continuously since April '73? A Yes, sir.
Q Where did you live before that? A In the Choctaw Nation.
Q How long did you live in the Choctaw Nation? A Since '58.
Q Lived in the Choctaw Nation from '58 until you came to the Chickasaw Nation? A Yes; only a short time during the Civil War we were on the move, within a short time after the Civil War closed we went to Arkansas.
Q You were just out during the time of the distrubence at that time? A We were there part of the time, then in sixty-eight, I think it was, I can't remember the dates so well as to be positive, but there wastwo years I think, that it was such hard times in the Territory.
Q Two years after the War? A Yes; we were in very reduced circumstances and after we came home the government issued rations and clothing and they issued to them to us with the rest of the Choctaws by order of the governor and the Agent was ordered to issue to Reverend Mr. Burns as to the other Choctaws; we always considered that our home and then his work was assigned to him along in seventy.
Q What is the name of your father? A Willis Burns.
Q Is he dead at this time? A Yes, sir.
Q When did he die? A Six years ago.
Q At what time, can you give me the date? A The third of October 1896.
Q Was your father a white man? A Yes, sir.
Q What was the name of your mother? A Before she married do you mean.
Q Yes; her married name? A Kiziah Burns.
Q Is she a white woman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Your father a missionary to the Choctaw Indians? A Yes, sir.
Q When was he first sent out? A He came to the Territory in 1858; Mr. Walker (Tandy Walker) was a witness to that when this application was made.
Q With the exception of these few years during the War did he live here until his death? A Yes, sir.
Q As Missionary amongthe Indians? A Yes, sir; and the time he was out in Arkansas was only for the maintenance of the family.
Q Did your father apply to the Dawes Commission in 1896 for enrollment as a Choctaw Indian? A As an adopted Missionary.
Q Was he admitted or rejected at that time? A He was admitted and it has never been contested.
Q Under what act did he claim his rights? A Under the treaty of sixty-six.
Q At the time of his applications sixty-six were any of the

rest of his family included in that application? A Myself; I was the only one in the family.

Q You were not included in that application? A No,sir; my name was not mentioned.

Q Are you at present living on a place in the Chickasaw Nation? A Yes,sir.

Q How long have your family held that place? A Since seventy-three; we came there in seventy-three and put it in.

Q You have always considered that as your permanent home? A Yes,sir.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, Certificate issued by the Secretary of the Commission to the Five Civilized Tribes, to Rev. W. Burns, of Stonewall, Indian Territory, Number 862.

G. Rosenwinkel being duly sworn on his oathstates that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 11, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 22 day of January 1903.

Charles Hasaunger

Notary Public.

C O P Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rev. W. Burns

Stone wall I. T.

VS. NO. 862

C H O C T A W Nation.

FORT SMITH, ARK. DEC 2ND 1896.

SIR:

In compliance with the provisions of Act of Congress, Approved June 10, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been

G R A N T E D by the Commission.

Respectfully,

H. M. JACOWAY, JR.,
Secretary.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

In the matter of the application for the enrollment of Mattie Burns Patten as a citizen of the Choctaw Nation.)

The applicant in this case is a white woman, the daughter of Rev. Willis Burns and Kiziah Burns. She was born about the year 1848 and first came to the Choctaw Nation in the year 1858 with her said father, Rev. Willis Burns, who came to said Nation in that year as a missionary to the Choctaw Tribe. The applicant has resided in the Choctaw-Chickasaw Country, with the exception of a short period immediately after the War of the Rebellion, continuously from 1858 until the present time, being engaged in missionary work among the Choctaws and Chickasaws. From 1858 until 1873 she resided with her father in the Choctaw country and from 1873 until the present time she,and her said father up to the time of his death on October 3, 1896, have held lands and enjoyed same in the Chickasaw Nation, just as though they were Indians by blood of said Nation. It further appears that shortly after the war the government issued rations to the applicant and her said father, the same as it did to all other Choctaw citizens and that the said applicant has been permitted by the tribal authorities to hold land and enjoy the benefits of a citizen of the Nation unmolested from 1858 up to the present time.

This applicant claims the right to enrollment as a citizen of the Choctaw Nation by virtue of the adoption of her father, the said Rev. Willis Burns, by Article XVII of the treaty of April 28, 1866, between the United States and the Choctaw and Chickasaw tribes of Indians, a portion of which Article reads as follows:

> "Should any missionary who has been engaged in missionary labor for five consecutive years before the date of this treaty in the said Nations, or either of them, or three consecutive years prior to the late rebellion, and who, if absent from the Nations, may desire to return, wish to select a quarter section of land, with a view to a permanent home for himself and family, he shall have the privilege of doing so, provided no selection shall include any public buildings, schools or seminary; ..."

The applicant and her father, the said Rev. Willis Burns

had been for about eight years prior to the date of said treaty missionaries working in the Choctaw Nation and residents of said Nation and were therefore, without question adopted by said Article of said Treaty. And since said adoption said parties have continued to hold land as other citizens in the Choctaw and Chickasaw Nations and have in other ways been recognized as citizens thereof.

Article XV of said treaty provides for the allotment in severalty to each Choctaw and Chickasaw citizen of one quarter section of land, the same quantity of land as provided to allot to missionaries under the above quoted provision of said treaty, thus recognizing said missionaries to have equal rights with the said citizens by blood.

There is no question but what the parties to the said treaty, the United States and the Choctaw and Chickasaw Nations, intended to adopt said missionaries into the Nations and confer upon them all the rights, privileges and immunities of other citizens of said Nations, as will clearly appear from the following, a protion of said Article of said Treaty, "it being t he wish of the parties hereto to promote and foster an influence, so largely conducive to civilization and refinement".

In view of the evidence in this case and the law and treaties applicable thereto, we request that the applicant, Mattie Burns Patton, be finally enrolled as a citizen of the Choctaw Nation, entitled to share as other citizens in the distribution of the tribal property of said Nation.

Respectfully submitted,

Apple & Franklin
Attorneys for applicant.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 17 1905

7-D-839

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on November 11, 1902, Mattie Burns Patton appeared before the Commission to the Five Civilized Tribes at Ada, Indian Territory, and made application for enrollment as a citizen of the Choctaw Nation, claiming her right thereto by reason of being the daughter of Willis Burns (now deceased), a white man and missionary to the Indians, who, under article seventeen of the treaty of 1866 between the United States and the Choctaw and Chickasaw Nations of Indians, was granted the privilege of selecting one hundred and sixty acres of land in said nations.

Article seventeen of said treaty between the United States and the Choctaw and Chickasaw Nations of Indians, provides,

"No selection to be made under this treaty shall be permitted to deprive or interfere with the continued occupation, by the missionaries established in the respective nations, of their several missionary establishments; it being the wish of the parties hereto to promote and foster an influence so largely conducive to civilization and refinement. Should any missionary who has been engaged in missionary labor for five consecutive years before the date of this treaty in the said nations, or either of them, or three consecutive years prior to the late rebellion, and who, if absent from said nations, may desire to return, wish to select a quarter-section of land with a view to a permanent home for himself and family, he shall have the privilege of doing so, provided no selection shall include any public buildings, schools or seminary";x x x

Article eleven of said treaty of 1866 also provides,

"Whereas the land occupied by the Choctaw and Chickasaw Nations, and described in the treaty between the United States and said nations, of June twenty-second, eighteen hundred and fifty-five, is now held by the members of said nations in common, under the provisions of the said treaty; and whereas it is believed that the holding of said land in severalty will promote the general civilization of said nations, and tend to advance their permanent welfare and the best interests of their individual members, it is hereby agreed that, should the Choctaw and the Chickasaw people, through their respective legislative councils, agree to survey and dividing their land on the system of the United States, the land aforesaid east of the ninety-eighth degree of west longitude shall be, in view of the arrangements hereinafter mentioned, surveyed and laid off in ranges, townships, sections, and parts of sections;" x x x

The provisions of said treaty relative to the allotment of lands were never put in force by acts of the Choctaw and Chickasaw legislative council as therein provided and therefore no grants provided for therein ever became effective.

Furthermore said privilege of selecting said one hundred and sixty acres of land was personal to each missionary who came within the provisions of said article seventeen and did not extend to every member of his family.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of this office, that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Rev. W. Burns vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 862), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of Rev. W. Burns, father of the applicant herein, claiming his right thereto by virtue of the provisions of Article seventeen of the treaty of 1866 between the United States and the Choctaw and Chickasaw tribes of Indians; that on December 4, 1896, said Commission rendered its decision therein, holding that it was without jurisdiction to pass upon the application of said Rev. W. Burns for admission to citizenship in the Choctaw Nation.

Inasmuch as the lands of the Choctaw and Chickasaw tribes of Indians are being allotted under the Act of Congress approved July 1, 1902 (32 Stats., 641), and not under the treaty of 1866, I am of the opinion that I am without authority to take any action looking to the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation, and that I should decline to receive or consider the same, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUL 12 1906

7-D-839.

COPY.

Muskogee, Indian Territory, July 12, 1906.

Mattie Burns Patton,

Stonewall, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 12, 1906, declining to receive or consider your application for enrollment as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Registered./

Incl. 7-D-839.

7-D-839.

COPY.

Muskogee, Indian Territory, July 12, 1906.

Apple and Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 12, 1906, declining to receive or consider the application for the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby
Commissioner.

Registered.

Incl. 7-D-839.

7-D-839.

COPY.

Muskogee, Indian Territory, July 12, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 12, 1906, declining to receive or consider the application for the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Tams Bixby
Commissioner.

Incl. 7-D-839.

JCH

DEPARTMENT OF THE INTERIOR, LLB

D.C.1975-1907

WASHINGTON.

I.T.D.52-1907.

January 7, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 12, 1906, you transmitted the record in the matter of the application of Mattie Burns Patton for enrollment as a citizen of the Choctaw Nation, together with your decision of same date, adverse to the applicant.

The applicant does not pretend to be of Indian blood, but claims through her father, Rev. Willis Burns, a deceased missionary, who was probably entitled under the provisions of article 17 of the treaty of 1866 between the United States and the Choctaw and Chickasaw Nations to select 160 acres of land as a permanent home for himself and family.

Reporting January 3, 1907 (Land 60213-1906), the Indian Office recommended that your decision be approved, in view of the fact that the privilege granted to the applicant's father was a personal one never exercised and she having no other basis for the right claimed. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision, adverse to the applicant, is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 ins. and 2 to Ind. Of.

926
LAV

—Copy—

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

LAND
60213-1906

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 3, 1907.

The Honorable,

The Secretayr of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 12, 1906, transmitting the record relative to the application of Mattie Burns Patton for enrollment as a citizen of the Choctaw Nation.

On November 11, 1902, Mattie Burns Patton applied to the Commission to the Five Civilized Tribes, at Ada, Indian Territory, for enrollment as a citizen.

On July 12, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The applicant claims her right to be enrolled as a citizen by reason of being the daughter of Rev. W. Burns, deceased, a missionary, who was granted the privilege of selecting one hundred and sixty acres of land in the Choctaw and Chickasaw Nations, under the provisions of Article 17 of the treaty between the United States and the two Nations, above mentioned, made in 1866.

The Commissioner reports that the provisions of this treaty relative to the allotment of lands were never put in force by act

of the Choctaw and Chickasaw legislative council, and therefore none of the grants provided for in the treaty ever became effective.

The Commissioner further reports that his records do not show that the applicant has ever been enrolled as a citizen by the Choctaw tribal authorities, or admitted as a citizen of that Nation by any court or committee of the Choctaw Nation, or by the Commission or United States Court.

The records show that on September 9, 1896, in the case entitled, "Rev. W. Burns vs. Choctaw Nation " (1896 Choctaw Citizenship Docket, Case No. 862), Rev. W. Burns, father of the applicant, applied to the Commission for admission as a citizen of the Choctaw Nation, under the provisions of the treaty of 1866, above referred to, and on December 4, 1896, the Commission held that it had no jurisdiction to pass on the case.

The privilege of selecting one hundred and sixty acres of land in the Choctaw-Chickasaw country, by each missionary, under Article 17 of the Treaty of 1866, was a purely personal one and did not extend to his family, and this privilege was never exercised by the Rev. W. Burns, deceased, father of the applicant.

As the applicant is not an enrolled citizen of the Choctaw Nation, the decision of the Commissioner adverse to her is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[illegible]

7-B-839

Muskogee, Indian Territory, January 16, 1907.

Mattie Burns Patton,

Stonewall, Indian Territory.

Dear Madam:

You are hereby advised that on January 7, 1907, the Secretary of the Interior affirmed the decision of this office of July 12, 1906, declining to receive or consider your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-839

Muskogee, Indian Territory, January 16, 1907.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on January 7, 1907, the Secretary of the Interior affirmed the decision of this office of July 12, 1906, declining to receive or consider the application for the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter above referred to.

Respectfully,

LM 1/16

Commissioner.

7-D-839

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 7, 1907, the Secretary of the Interior affirmed the decision of this office of July 12, 1906, declining to receive or consider the application for the enrollment of Mattie Burns Patton as a citizen of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter above referred to.

Respectfully,

LM 2/16

Commissioner.

7-D-839

Muskogee, Indian Territory, July 6, 1903.

Mrs. Mattie Burns Patton,

Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 23, in which you ask to be protected in the possession of your place.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as a citizen of the Choctaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further advised that if you will forward to the Commission a description of the land which you desire to select in allotment, proper notation thereof will be made upon the records of the Commission and you will be notified in the event any other person makes application for the said land or any portion of it, and you will be permitted to institute contest proceedings for its possession.

Respectfully,

Commissioner in Charge.

Choctaw D 839

Muskogee, Indian Territory, February 6, 1904.

Mattie Burns patton,

Stonewall, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of January 24, in which you state that on July 4, 1903, you received a letter from Commissioner T. B. Needles, in which you were notified that if any person made application for the land claimed by you, you would be notified, in order that you might institute contest; that you have now received notice from T. C. Walker to vacate your place as he claims to have bought the same from W. H. H. Keltner and wife. You therefore ask what to do in the matter.

In reply to your letter you are advised that on July 6,1903, you were advised that if you would forward a description of the land which you claimed in allotment and on which you were maintaining improvements, proper notation thereof would be made on our records, and you would be informed in the event any other person made application for such land. It does not appear from our records, however, that you have forwarded such description of your land nor do you describe the land referred to in your letter of January 24, 1904. If you will at once forward a correct description of the land referred

to and on which you have been maintaining improvements, by quarter or quarter-quarter section, township and range, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner in Charge.

7-9-636

Muskogee, Indian Territory, July 21, 1906.

E. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 5, 1906, in which you ask that an early decision be rendered in the matter of the application of Mattie Burns Patten for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that on July 12, 1906, a decision was rendered declining to receive or consider the application of Mattie Burns Patten for enrollment as a citizen of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of Departmental action in this case.

Respectfully,

Commissioner.

Choc. D. 840

Mackey Lee Lane

D. 840

CHOCTAW. D 840

Mackey Lee Lane

DECISION RENDERED. JUN 21 1906

REFUSED

COPY OF DECISION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

~~COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.~~ JUN 21 1906

COPY OF DECISION FORWARDED APPLICANT

RECORD FORWARDED DEPARTMENT.

See Choctaw #2690.

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 20 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 1907

NOTICE OF DEPARTMENTAL ACTION MAR 1907

IN RE

Application for Enrollment of

INFANT CHILD

Mackie Lee Lane

as a citizen of

Choctaw Nation.

Approved 190

Commissoner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,

of Mackie Lee Lane (Here insert name of child), born on the 8 day of December 1901

Name of Father: Lee Lane a citizen of the No Nation.

Name of Mother: Mary Lane a citizen of the Choctaw Nation.

Post-office Durant

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mary Lane, on oath state that I am 43 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Lee Lane, who is a citizen, by blood, of the U. S. Nation; that a male (Male or female) child was born to me on 8 day of December 1901; that said child has been named Mackie Lee Lane, and is now living.

WITNESSES TO MARK: Mary Lane

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of November 1902

D. H. Linebaugh

(SEAL) NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (MALE OR FEMALE) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ..... 190....

..... NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Mackey Lee Lane

as a citizen of

Choctaw Nation.

Approved DEC 4 1902 190

Tams Bixby

Commissoner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Dec. 4, 1902.
Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,

of Mackey Lee Lane (Here insert name of child), born on the 8th day of December, 1901.

Name of Father: L. W. Lane a citizen of the United States Nation.

Name of Mother: Mary Lane a citizen of the Choctaw Nation.

Post-office Durant, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Mary Lane, on oath state that I am 43 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of L. W. Lane, who is a citizen, by , of the United States Nation; that a male (Male or female) child was born to me on 8th day of December 1901; that said child has been named Mackey Lee Lane, and is now living.

WITNESSES TO MARK: Mary Lane

(Must be Two Witnesses.)

Subscribed and sworn to before me this 25th day of November 1902

W. H. Ritchey
NOTARY PUBLIC.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, W. A. Haley, a physician, on oath state that I attended on Mrs. Mary Lane, wife of L. W. Lane on the 8 day of December, 1901, that there was born to her on said date a Male (MALE OR FEMALE) child; that said child is now living and is said to have been named Mackey Lee Lane.

WITNESSES TO MARK: W. A. Haley, M. D.

(Must be Two Witnesses)

Subscribed and sworn to before me this 25th day of November 1902

W. H. Ritchey
NOTARY PUBLIC.

(SEAL)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation, Choctaw Field No. D-840.

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry or upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw D-840.

In the matter of the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1904.
Tams Bixby, Chairman.

7-D-840.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on December 4, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

It further appears from the record herein and from the census card record in this case that the applicant was born on December 8, 1901, and is the son of Mary Lane, a white woman, whose name appears as number 1123 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 16, 1904, and Lee (or L. W.) Lane, a non-citizen white man.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the enrollment case of Mary Elizabeth Martin, the application made for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 2 1 1906

7-D-840

Muskogee, Indian Territory, June 21, 1906.

COPY.

J. W. Lane,

Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application made for the enrollment of your child, Mackey Lee Lane as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-840

7-D-640

Muskogee, Indian Territory, June 21, 1906.

COPY

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application made for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Incl. 7-D-640.

7-D-8

Muskogee, Indian Territory, June 21, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the matter of the application for the enrollment of Mashay Lee Lane as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying said application.

Respectfully,

Tams Bixby
Commissioner.

2 Incl. 7-D-840

Through the
Commissioner of Indian Affairs.

916/207

COPY

LAND:
53219-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2549), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

On June 21, 1906, the Commissioner decided that the applicant was not entitled to such enrollment.

The record shows that the applicant was born on December 8,1901, and is the son of Mary Lane, a white woman who is identified at No. 1123 on a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on November 16, 1904, and Lee (or L.W.) Lane, a non-citizen white man.

In view of the ruling of the Department in the case of William Jesse Bacon in Department letter of July 10, 1906 (I.T.D. 2548), and also in view of the provisions of Section 2 of the

Act of April 26, 1906 (34 Stat. L., 137), the approval of the decision of the Commissioner adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FRE.

D.C. 11791-1907.
I.T.D. 24134-1906.
2984,3172,3190,3194,3196-1907.
3212,3316,4584,4586,4610- "
4630,4634,4638,4644,4672- "
4690- "

February 26,1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letter submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Mackey Lee Lane,	June 21,1906,
Sabra Gertrude Douglas,	December 5,1906,
Willis R. McFarland, et al.,	November 15,1906,
Emma Yarborough McBride,	November 12,1906,
Edna Pettijohn, et al.,	November 12, 1906,
Jesse McCurry, et al.,	November 12,1906,
Marvin McGuire,	November 12,1906,
Charley Vail, et al.,	November 6,1906,
Arthur Jamison, et al.,	July 25,1906,
Theadore Roosevelt Plato,	December 20,1906,
Charley Scott and Bertha Byrd, (Freedmen)	October 19,1906,
Mattie Opel Bottoms,	January 16,1907,
Gracie and Jesse Davis,	January 29,1907,
R. L. Crudup, et al.,	January 17,1907,
Waverly (Wavly)Tyler, (Freedman)	January 26,1907,
David and Emma Gardner,	January 16,1907,
Laura E. Phebus, et al.,	January 26,1907,

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

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AFMc
1-27-07

7-D-840

Muskogee, Indian Territory, March 23, 1907.

J. W. Lane,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application for the enrollment of your child, Mackey Lee Lane as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-2-240

Muskogee, Indian Territory, March 27, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 21, 1906, denying the application for the enrollment of Mackey Lee Lane as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-840
7- 2620

Muskogee, Indian Territory, December 5, 1902.

Mary Lane,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Mackey Lee Lane, infant son of L.W. and Mary Lane, born December 8, 1901; and the same being in proper form has been duly filed with the records of the Commission as evidence of birth of the above named child.

Receipt is also acknowledged of the certificate of marriage between L.W. Lane and Mary Bohanan, November 29, 1899; and the same is returned to you herewith, a certified copy of same having been prepared in this office and filed with our records in the matter of the application for enrollment of the above named child, and as authority for changing your name upon our records from your former name to your present married name.

Respectfully,

Acting Chairman.

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Choctaw D 840

Muskogee, Indian Territory, February 11, 1904.

L. W. Lane,

Durant, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your minor child, Mackey Lee Lane, as a citizen of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-840

Muskogee, Indian Territory, March 24, 1906.

L. W. Lane,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 20, 1906, in which you ask if protest is still filed against the enrollment of your child Mackey Lee Lane and if you will be notified of the decision in his case.

In reply to your letter you are informed that the protest of the attorneys for the Choctaw and Chickasaw Nations of January 23, 1904, which was filed in the matter of the application of Mackey Lee Lane for enrollment as a citizen of the Choctaw Nation was overruled by the Department, but the Commission has not yet passed upon the right of this child to enrollment in said Nation. You will be notified of the action taken in this case.

Respectfully,

Chairman.

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OF
ROLL